

Testimony of the Maryland Horse Council on
**HB 1062 - Criminal Law - Animal Cruelty - Petition for Costs for Care of
Seized Animal:
Favorable with Amendments**

Hearing before the House Judiciary Committee,
February 24, 2022

The Maryland Horse Council (MHC) is a membership-based, umbrella trade association of the entire horse industry in Maryland. Our membership includes horse farms and stables, horse-related businesses, and horse owners, representing all facets of the Maryland equestrian community, from the owners of race horses to the owners of trail horses or just beloved retired companion horses. As such, we represent over 30,000 Marylanders.



MHC has long been aware that the statute establishing the process to be followed upon seizure of allegedly abused or neglected animals is sorely lacking in structure, transparency, clarity and, to a large extent, due process. The current animal abuse and neglect seizure law (Criminal Law Section 10-615) provides too little guidance or structure to courts, law enforcement, and animal control authorities. We have engaged in extensive discussions with the Humane Society of the United States (HSUS), and we believe that this bill represents a significant improvement over existing law. There remain a few areas, however, in which we think the bill can be further improved.

We understand from HSUS that many owners do not seek the return of their animals after seizure. We believe, however, that in many - if not most - cases, this failure to exercise a right to challenge the seizure and request the return of their animals may stem from a simple lack of awareness of their rights and of how to invoke them. We therefore request an amendment that information about the right to seek return, and of the steps necessary to invoke that right, be included in the notice of seizure:

§10-615 (d)(1):

(d) (1) A person who [removes] SEIZES an animal under subsection (c) of this section shall notify the animal's owner or custodian BY PERSONAL SERVICE OR CERTIFIED MAIL WITHIN 24 HOURS of:

- (i) the [removal] SEIZURE; [and]
- (ii) any administrative remedies that may be available to the owner or custodian, and
- (iii) the right, if an administrative remedy is not available, to petition the court for the return of the animal, as provided in §10-616(d)(2), with instructions on how to invoke that right.

Seized animals are often kept by the seizing agency, or the rescues with which they contract for their care, for extended periods, while the case against the owner proceeds. The bill now provides for the Court to consider alternative dispositions of the animal during the initial hearing immediately after the seizure. This provision gives the Court the opportunity to save the rescues (and the taxpayers), as well as the owner, from the burden of the costs of care, if, for example, the possession of the animal could be transferred to a willing caretaker. We believe that it also makes sense for the Court to be able also to re-visit, at some point down the road, not only

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whether the cost of care payments should be adjusted (as the bill provides), but also whether the Court can once again consider alternative dispositions of the animal, or return to the owner. Therefore, we are requesting this amendment:

§10-615.1(G)(5)(i):

(5)(I) THE COURT, ON MOTION BY A PETITIONER OR THE OWNER OR CUSTODIAN, AND AFTER NOTICE AND A HEARING CONSISTENT WITH THIS SECTION, MAY DETERMINE WHETHER THE CONTINUED POSSESSION BY THE PETITIONER IS WARRANTED OR ADJUST THE AMOUNT OF COSTS OF CARE.



We are unable to determine the logic behind the bill's provision in §10-615.1(G)(2)(iv) that UNLESS THE PROCEEDING INVOLVES NOT MORE THAN TWO ANIMALS AND THE ONLY CHARGES ARE NEGLECT, THE ABILITY TO PAY BY THE OWNER OR CUSTODIAN MAY NOT AFFECT THE COURT'S DETERMINATION AS TO THE AMOUNT OF THE REASONABLE COSTS OF CARE.

An owner who cannot afford the cost of care of two animals surely cannot afford the cost for more than two. We think this provision should be struck. The Court should have freedom to consider the totality of the circumstances in these hearings.

Finally, we believe that a technical correction is necessary to make sure that all instances of forfeiture are included when the cost of care order is terminated. Therefore, we offer this amendment to §(I)(1):

§(I)(1) A COURT ORDER FOR COSTS SHALL TERMINATE IF:

- (I) THE OWNER OF THE ANIMAL SURRENDERS ALL RIGHTS TO THE ANIMAL;
- (II) THE ANIMAL IS FORFEITED TO THE PETITIONER UNDER §§ 10-615(E), 10-615.1(G)(4), or 10-615.1(L) OF THIS SUBTITLE; OR
- (III) THE ANIMAL DIES OR IS EUTHANIZED.

With these amendments, MHC would support HB 1062.

Respectfully submitted,

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