

## HB1062

### **Criminal Law - Animal Cruelty - Petition for Costs for Care of Seized Animal**

Dear Chairman Clippinger, Vice Chair Moon, and members of the Judiciary Committee,

As the Field Service Director of the Humane Society of Washington County, I can personally attest to the difficulties that myself and my officers face when carrying out our duties to protect the animals under the current state laws.

There are laws in place to protect the animals and their owners. But the agencies assigned to carry out the laws have been faced with roadblocks when it comes to carrying out civil procedures due to what the Court of Appeals quoted as “a drafting error by the code of revisers”.

That line comes from our most notable case, and the reason we need this legislation, which was the State vs Daniel Rohrer. 95 animals were seized from a farm in Boonsboro. The owner exercised his right to appeal the impoundment and his petition was denied. What followed was a 2-year appeal process. During this time, our agency struggled with finding caretakers willing to house 95 animals. Some of the animals went thru multiple caretakers as the burden of care was enormous. In the end, the Court of Special Appeals noted the flaws in our current laws that neither provides the agency or the owner of said animals any immediate remedy to an impoundment. In fact, there is no remedy at all unless an owner legally surrenders his ownership rights.

As a result, we are faced with holding animals whose owners have failed to appeal for their return, either in a timely matter, or at all until a criminal trial is over. This affects not only the agencies responsible for housing the animals, but the animals themselves.

For example, 15 dogs are seized from a suspected dog fighting operation. Due to current law providing no avenues to pursue for impounding agencies, we were forced to house these dogs for 16 long months. Being forced to spend 16 months in a kennel, staring at the walls was the equivalent of a prisoner doing hard time in solitary confinement. Except they were the victims being forced to do the time. They did suffer mental anguish as was seen when these dogs that were so eager to receive human attention in the beginning, turned on their caretakers out of pure frustration.

A hoarder's house, where 39 dogs and 7 cats are removed. The animals are all suffering from illness like most seizure cases, and we now have 39 dogs that are being housed in the building for just one of many cases. Dogs are coming in as strays every day, and the building is now full. With no clarity on the law, we must hold the 39 dogs until the criminal trial is over which can take years, after many appeals are filed. After a “true stray” has been held for 5 days, we are then forced to humanely euthanize due to lack of space. Yes that friendly, loveable, cute adoptable dog that a citizen dropped off hoping it will find its forever home, must be euthanized because there is no room. 39 dogs are taking up all the room. 39 dogs that our agency is now responsible for paying for all their needs with likely no reimbursement in the end.

The agencies contracted to uphold the animal cruelty statues need relief now. If forced to continue under the current statues with no relief or remedy for years on end, no agency can continue to operate at a level expected by our citizens.

I respectfully ask that you support HB1062.