



Montgomery County

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SB 85

DATE: February 1, 2023

SPONSOR: Senator Kramer

ASSIGNED TO: Judicial Proceedings

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MONTGOMERY COUNTY OFFICE OF ANIMAL SERVICES' POSITION: SUPPORT

Criminal Law – Animal Abuse or Neglect – Penalties

Senate Bill 85 increases the penalties for abusing or neglecting an animal under § 10-604 of the Criminal Law Article if the violation results in the death of an animal or the need to euthanize the animal based on the recommendation of a licensed veterinarian. The bill also allows a court to prohibit a defendant from owning, possessing, or residing with an animal as a condition of sentencing. Currently, § 10-604 violations are misdemeanor offenses and sentencing is limited to imprisonment up to 90 days and a fine of \$1,000.

This is important legislation. It strengthens animal control and a state's attorney's position when charging crimes under § 10-604, where the conditions and treatment of the animals are so detrimental to an animal's well-being that it directly causes the death or euthanasia of one or more of the animals. There are many cases around the State where this has occurred either because the animals are found to lack nutritious food, proper drink, proper air, proper space, proper protection from the weather, or where there is an unnecessary failure to prevent suffering or pain to the extent that the animal dies or must be euthanized.

Currently, because the threshold for proving "intent" under the aggravated cruelty section of the Criminal Law Article is so high, the only practical legal option available when charging individuals with severe animal neglect is under § 10-604, where the penalties for conviction are very weak. The Montgomery County State's Attorney's Office has expressed frustration with this, given the severity of some of the animal neglect cases that state's attorney's office around the State are seeing. Senate Bill 85 increases the penalties for convictions to three years in prison and a fine of \$5,000. Combined with the bill's more flexible ban on ownership for conviction of severe animal neglect, Senate Bill 85 establishes a more meaningful punishment that better aligns the crime and the punishment.

The Montgomery County Office of Animal Services supports Senate Bill 85 and would urge the Committee to adopt a favorable report.