



# Montgomery County

## Office of Intergovernmental Relations

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**HB 405**

**DATE: February 16, 2023**

**SPONSOR: Delegate Foley, et al.**

**ASSIGNED TO: Judiciary**

**CONTACT PERSON: Sara Morningstar (Sara.Morningstar@montgomerycountymd.gov)**

**POSITION: SUPPORT WITH AMENDMENT (Office of Animal Services)**

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### **Criminal Law – Animal Abuse or Neglect – Penalties**

House Bill 405 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.

The Montgomery County State's Attorney's Office has expressed some frustration over having to charge severe animal neglect using § 10-604 because they could not reach the level of "intent" needed to be charged under the aggravated cruelty sections particularly when that care directly contributes to the death of owned animals. House Bill 405 will provide a greater level of penalty – three years in prison and a fine of \$5,000 – including a more flexible ban on ownership in the prosecution of severe animal neglect and care found under § 10-604.

The Senate sponsor of this bill's cross-file, Senate Bill 85, has submitted an amendment to require that a second veterinarian review and validate the recommendation and/or decision of the first veterinarian to humanely euthanize an animal to relieve pain and suffering as a direct result of the animal's condition. The Montgomery County Office of Animal Services supports

the inclusion of that amendment (see below) and urges the Committee to adopt a favorable report on HB 405, as amended.

AMENDMENT TO HOUSE BILL 405  
(First Reading File Bill)

On page 2, in line 20, after "VETERINARIAN" insert ", AND VALIDATED BY A SECOND BETERINARIAN BEFORE OR AFTER THE EUTHANASIA OF THE ANIMAL".