

SB 17 Fav.pdf

Uploaded by: Christopher West

Position: FAV

CHRIS WEST
Legislative District 42
Baltimore and Carroll Counties

Judicial Proceedings Committee



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 1st, 2024

The Maryland State Senate Judicial Proceedings Committee
The Honorable William C. Smith, Jr.
2 East Miller Senate Building
Annapolis, Maryland 21401

Re: Senate Bill 17: *Criminal Law – Crimes Relating to Animals – Conviction and Sentencing*

Dear Chairman Smith and Members of the Committee,

Under current Maryland law, a person who serially abuses multiple dogs, cats, horses or any other animals in violation of the laws prohibiting animal cruelty is only charged once regardless of how many animals have been abused. So a person keeping multiple dogs, for example, in unspeakably cruel confinement can only be convicted of a single crime of animal abuse.

It is hard to contemplate how a human being could possibly set about to subject any living creature to such abuse, but the newspapers periodically report situations in which literally dozens of innocent animals have been horrifically treated. When we catch people engaging in such reprehensible conduct, we need to impose appropriate punishments. Abusing a single animal is bad enough; abusing multiple animals represents an pattern of such cruelty that a much stiffer punishment is warranted.

According to the Calvert County State's Attorney's Office, the standard defendant in these animal abuse cases harm multiple animals in multiple instances, rather than one-off occurrences. As awful as it sounds, this is what is happening.

Senate Bill 17 allows for each instance of abuse and each animal abused to be the basis of separate charges. It states that each animal harmed in a violation of the "Crimes Relating to Animals Subtitle of the Criminal Law Article will be a separate offense and that a conviction under Subtitle 6 will not merge with a conviction for any other crime based on the at establishing the violation. In this way, Senate Bill 17 will help to better prosecute individuals involved in the most deprived forms of animal abuse.

I appreciate the Committee's consideration of Senate Bill 17 and will be happy to answer any questions the Committee may have.

SB0017_WitnessSignup_Dowd.pdf

Uploaded by: Crystal Dowd

Position: FAV



Dave McDowell, Director

CALVERT COUNTY DEPARTMENT OF PUBLIC SAFETY

175 Main Street
Prince Frederick, Maryland 20678
410-535-1600 / 301-855-1243 • Ext. 2303
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Board of Commissioners
Mark C. Cox Sr.
Catherine M. Grasso
Earl F. Hance
Mike Hart
Todd Ireland

January 31, 2024

The Honorable Senator William C. Smith, Jr. Chair
Senate Judicial Proceedings Committee
Re: SB0017 – Crimes Relating to Animals – Conviction and Sentencing
Position: Favorable

Dear Chair and Members of the Committee:

The Calvert County Board of County Commissioners and the Calvert County Department of Public Safety support Senate Bill 0017.

Calvert County Animal Control restricts charging individuals, at the felony level, to situations where there is *intent* involved with effecting abuse, mutilation, torture, and/or death on an animal.

Calvert County Animal Control has recently investigated and charged two dog fighting cases involving multiple dogs. The cases were comprised of dogs being ripped apart for their owner's and spectator's entertainment. Some dogs at the properties had old untreated broken limbs and disfiguring lacerations. No evidence of veterinary treatment was found. Additionally, the injuries ran deeper than physical, as the dogs subjected to this environment, were mentally damaged and posed a continuing risk to public safety from aggression to other animals.

A favorable outcome for Senate Bill 0017 will ensure that each animal subjected to the most egregious acts, caused by a person, will have justice. Removing the ability to sentence for each animal takes away the accountability for those involved in crimes intended to abuse animals to the felony level, in Maryland.

Your time and attention to this matter is appreciated. I would be happy to provide additional information or answer any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Crystal G. Dowd".
Crystal G. Dowd
Deputy Director
Public Safety

SB 0017, FAV, Animal Control, LS24.pdf

Uploaded by: David Luckenbaugh

Position: FAV



FREDERICK COUNTY GOVERNMENT

DIVISION OF ANIMAL CONTROL

Jessica Fitzwater
County Executive

David Luckenbaugh, Director

SB 17 – Criminal Law – Crimes Relating to Animals – Conviction and Sentencing

DATE: February 1, 2024
COMMITTEE: Senate Judicial Proceedings Committee
POSITION: Favorable
FROM: The Office of Frederick County Animal Control

As the Director of Frederick County Office of Animal Control, I urge the committee to give SB 17 – Criminal Law – Crimes Relating to Animals – Conviction and Sentencing a favorable report.

This bill will establish that each animal harmed in an animal cruelty case will be prosecuted as a separate offence, and that a conviction of a crime relating to animals may not be merged with another conviction.

Currently, during cases of crimes against animals, an offender may not be charged individually for each animal harmed. Furthermore, these convictions may currently be merged with other cases. This is problematic because it leads to the perpetrators not receiving proportional penalties, therefore increasing the likelihood of reoffending.

SB 17 is incredibly important to setting the precedent that animal cruelty will not be tolerated. This will not only assist in decreasing these cases, but has the potential to reduce additional crimes committed by these perpetrators. Offenders who commit violent crimes against animals are more likely to commit violence against others, especially a domestic partner. Therefore, it is incredibly important that Maryland makes clear these offenders will receive proper sentencing.

Thank you for your consideration of SB 17. I urge you to advance this bill with a favorable report.

SB17_fav_HSUS.pdf

Uploaded by: Jennifer Bevan-Dangel

Position: FAV



**THE HUMANE SOCIETY
OF THE UNITED STATES**

February 1, 2024

Judicial Proceedings Committee

SB 17

Criminal Law - Crimes Relating to Animals - Conviction and Sentencing

FAVORABLE

The Humane Society of the United States, on behalf of our members and supporters in Maryland, urges a favorable report on SB 17. This bill seeks to restore the ability to bring multiple felony charges in cases where multiple animals are seriously abused or neglected.

Animal related felony cases represent the worst animal crimes that occur – from dog fighting to sexual assault. Each felony charge represents an animal that has been intentionally, severely, and cruelly treated. Prosecutors have always had the ability to stack felony charges in these cases, but last May a decision by the Maryland Sentencing Commission took away that ability due to a technicality in the law.

Maryland is making a concerted effort to move away from felony convictions and to decrease incarceration. But animals, while legally property, are also living creatures; this puts them in a grey area between physical possessions, for which felony charges can no longer be stacked, and people, where felony charges can still be stacked. The HSUS understands the progress made by this committee and has not supported efforts to increase penalties for misdemeanor animal crimes. But we do feel strongly that in the most horrific cases – cases of violence against living creatures – animals should be treated differently than a television or a car.

We are happy to work with this committee to ensure that the goal of this legislation, ensuring that there is accountability for the worst animal crimes, does not undermine the work done by this committee to reduce incarceration overall. We urge a favorable report on SB17 to ensure that every life lost has its day in court.

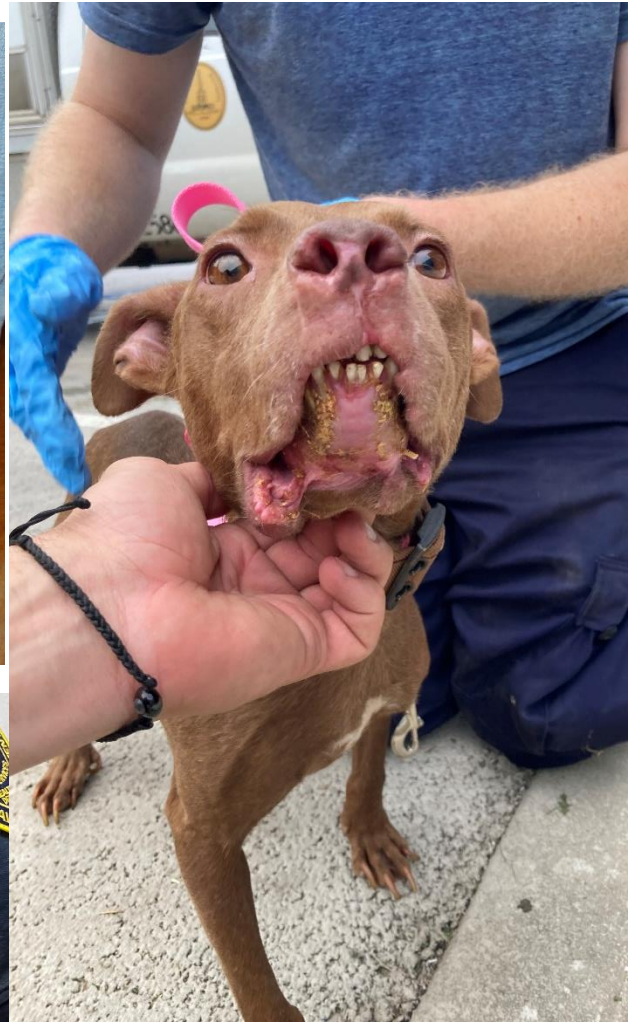
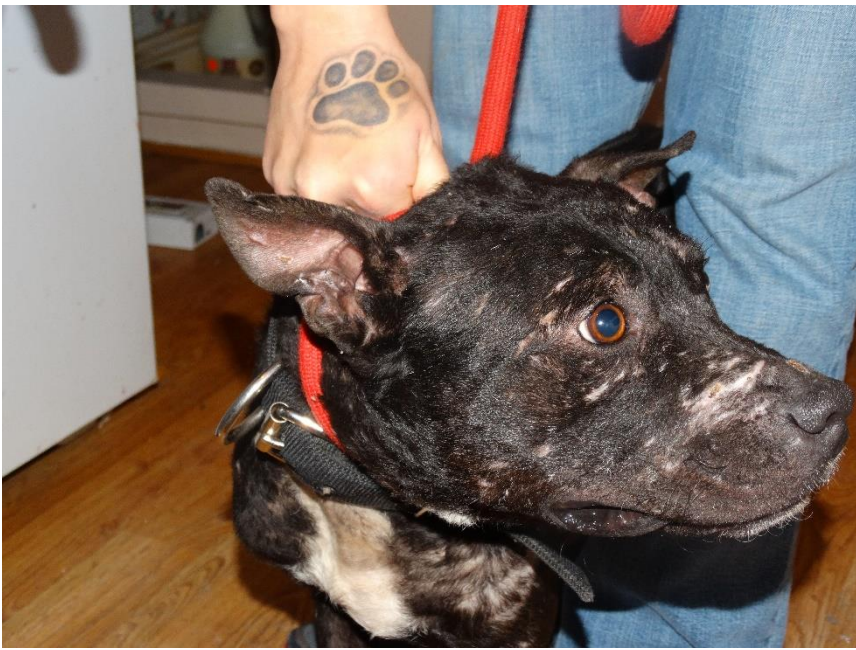
*For more information contact Jennifer Bevan-Dangel, Maryland State Director
jbevandangel@humanesociety.org | C 410-303-7954*

SB17_FAV_HSUS_addendum.pdf

Uploaded by: Jennifer Bevan-Dangel

Position: FAV

SB17: Addendum: Dogs from a fighting case in Baltimore City.
Note the dogs living in stacked cages and the severe facial injuries.





Criminal Law - Crimes Relating to Animals - Convic

Uploaded by: Lisa Radov

Position: FAV



MARYLAND VOTES FOR ANIMALS

PO Box 10411
BALTIMORE, MD 21209

February 1, 2024

To: Senate Judicial Proceedings Committee
From: Lisa Radov, President and Chairman, Maryland Votes for Animals, Inc.
Re: Criminal Law - Crimes Relating to Animals - Conviction and Sentencing- SB 17 - Support

Chair Smith, Vice Chair Waldstreicher, members of the Judicial Proceedings Committee, thank you for the opportunity to testify before you today. My name is Lisa Radov and I am the President and Chairman of the Maryland Votes for Animals, Inc. We champion legislation to improve the lives of animals in Maryland. On behalf of our board of directors, as well as the thousands of members of Maryland Votes for Animals, I respectfully ask that this committee vote favorably for Criminal Law - Crimes Relating to Animals - Conviction and Sentencing – SB 17.

This bill would establish that each animal harmed in a violation of a prohibition against animal cruelty is a separate offense, that a conviction for a crime relating to animals may not merge with a conviction for any other crime based on the act establishing the violation, and that a sentence imposed may be separate from and consecutive to or concurrent with a sentence based on the act establishing a violation. Essentially, this bill would correct an error in the state code to ensure that in cases where an individual is accused of animal cruelty to multiple animals that charges can be brought for each animal.

When the Maryland Sentencing Commission met in May, they determined that animal cruelty sentences should not stack when there are multiple animals involved, including felony cases like dog fighting or hoarding. Our shelter and rescue partners were very concerned that offenses for animal cruelty cases could not be stacked. By making this determination, animals have less protection.

This bill does not create new penalties. It returns a tool to the toolbox that would once again hold perpetrators accountable for each animal. In these cases, we are talking about purposely inflicting the worst cruelty on animals and would be used only in the rare cases of these crimes on multiple animals.

I would like to thank Senator West for his sponsorship of this bill and urge a favorable report.

WitnessTestimony2024SB0017AnimalAbuse.pdf

Uploaded by: Patricia Fallon

Position: FAV



To: Senate Judiciary Committee

Subject: SB0017

Date January 31, 2024

Dear Senators,

SB0017 – Crimes Related to Animals and Sentencing

The Baltimore County Republican Party completely **SUPPORTS** SB0017.

The abuse of each animal should be a separate criminal charge and should be prosecuted as such.

Thank you,

Patricia Fallon
Chair, Baltimore County Republican Central Committee
14823 Hanover Pike
Upperco, MD 21155
Baltimore County



Patricia Fallon
Baltimore County Republican Central Committee
Chairman

410-429-6005
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SB0017 Crimes related to animals- conviction and

Uploaded by: Patty Crankshaw-Quimby

Position: FAV



**Maryland's Association of Animal Care and Control
Agencies and Humane Societies**

**PO Box 1143
Easton, Maryland 21601**

**SB0017 – Criminal Law- Crimes Relating to Animals- Conviction and Sentencing
Maryland Senate Judicial Proceedings Committee**

January 26, 2024

Dear Honorable Chairman Smith, Vice-Chairman Waldstreicher, and members of the committee:

Professional Animal Workers of Maryland, the state organization comprised of animal control agencies and humane societies unanimously supports and encourages a favorable and speedy report on SB0017.

Felony cases related to animals are the most egregious we see in humane law enforcement. These cases involve acts of aggravated cruelty to animals including but not limited to cruelly beating, torturing, mutilating, sexual contact, killing of an animal, dog fighting and cock fighting. Often in these cases there is more than one victim- animal- which has been harmed. As the current law stands, whether a defendant harms 1 animal or 100 animals, the charges and hence sentencing would be the same.

SB0017 acts to correct a change which occurred at a meeting of the Maryland Sentencing Commission last May. We understand the legislature's work to decrease incarceration in Maryland. These cases are not frequent occurrences, however when they do occur, they are truly horrific crimes. Animals are caught in a legal dilemma; they are technically property, but as these crimes very often result in the loss of life, it is insufficient to limit felony charges in the same manner we would a vehicle, a TV and such.

Professional Animal Workers of Maryland believes the passing of this bill is a crucial tool in protecting the animals and people of Maryland.

Please feel free to contact me with any questions or concerns.

Sincerely,

Patty Crankshaw-Quimby, CAWA

Executive Director/Chief Animal Control Officer: Talbot Humane/ Talbot County Animal Control

President: Professional Animal Workers of Maryland

SB0017 - Criminal Law – Crimes Relating to Animals

Uploaded by: Jeremy Zacker

Position: INFO



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
ACTING DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: SB0017 - Criminal Law – Crimes Relating to Animals – Conviction and Sentencing

FROM: Maryland Office of the Public Defender

POSITION: Informational

DATE: January 31, 2024

The Maryland Office of the Public Defender respectfully submits this testimony for informal purposes only.

Under Maryland Law, cruelty to animals is generally unlawful. Maryland law has several criminal statutes related to animal cruelty. Maryland's animal cruelty laws apply to all animals, not merely pets or livestock. MD. CRIM LAW § 10-601(b) ("Animal" means a living creature except a human being.) Abusing or neglecting an animal is unlawful. MD. CRIM LAW § 10-604. Attending a dogfight or cockfight as a spectator is unlawful. MD. CRIM LAW § 10-605. Giving away a live animal as a prize without approval of the Secretary of Agriculture is a crime. MD. CRIM LAW § 10-610. Selling a dog or cat less than 8 weeks of age unless accompanied by its dam is a crime. MD. CRIM LAW § 10-613. Selling a chick as a pet or changing the natural color of a chick is a crime. MD. CRIM LAW § 10-614. Leaving your dog outside, unattended and restrained for more than 30 minutes without suitable shelter is a crime. MD. CRIM LAW § 10-623. Animals have ample protections under Maryland Law.

Senate Bill 10-627 creates a new statute which makes these animal-related offense chargeable on a per animal basis. In other words, if you dye six chicks blue, that is six different offenses. Giving away 10 goldfish as prizes without approval by the Secretary of Agriculture could be a \$5,000 fine (\$500 for each animal).

Moreover, Senate Bill 10-627 allows consecutive sentencing based on each charge. Thus, leaving two dogs outside, unattended under certain conditions could be 180 days in jail, rather than 90 days for one dog.

Bills which increase penalties by charging one large act as a series of individuals acts artificially inflates the range and scope of charges and could end with absurd results. The legislature should closely scrutinize such measures to avoid overly punitive outcomes.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.
Authored by: Jeremy Zacker, Assistant Public Defender.