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## **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.**  
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