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# MSCCSP

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## Maryland State Commission on Criminal Sentencing Policy

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### Vice-Chair

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### Executive Director

David A. Soulé, Ph.D.

**TO:** Senate Judicial Proceedings Committee

**FROM:** MSCCSP

**RE:** Senate Bill 152, *Criminal Law – Crimes Relating to Animals – Conviction and Sentencing*

**DATE:** January 9, 2025

**POSITION:** Informational purposes

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The Maryland State Commission on Criminal Sentencing Policy (MSCCSP or Commission) convened via videoconference on January 7, 2025, to discuss Senate Bill (SB) 152. Sixteen of the nineteen commissioners participated in the videoconference. The Commission voted unanimously to take no position on SB 152 but agreed to submit testimony for informational purposes to describe how SB 152 would affect the calculation of the sentencing guidelines in circuit court sentencings involving *multiple* violations of Section 10, Subtitle 6 of the Criminal Law Article.

Senate Bill 152 provides that each animal harmed in a violation of Section 10, Subtitle 6 of the Criminal Law Article is a separate offense and shall be deemed an individual victim for purposes of the sentencing guidelines stacking rule or what is referred to in the [Maryland Sentencing Guidelines Manual](#) (MSGM), as the multiple victims “stacking” rule (or MVSR). Chapter 10.1 of the MSGM provides instructions for the MVSR and states presently:

“When there is a criminal event with multiple victims and not more than one seriousness category I or II offense, the person completing the sentencing guidelines worksheet shall add the highest of the upper limits of the guidelines ranges for each victim to find the correct overall range for the criminal event.”

In a scenario in which there are multiple counts of animal offenses, each involving a unique animal and stemming from the same criminal event (with not more than one seriousness category I or II offense), the question as to whether animals shall be treated as “victims” is an important one. The application of this law to the MVSR could affect the calculation of the overall guidelines range considerably, depending on the number of unique animals involved. The guidelines currently specify that animals may not be considered victims for the purposes of applying the MVSR. If SB 152 passes, the MSCCSP will need to amend the MSGM and the Code of Maryland Regulations (COMAR) to clarify that animals *shall* be considered victims for application of the MVSR.

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It is important to note that the sentencing guidelines in Maryland are voluntary and are a tool to help inform the sentencing decision. Judges may, at their discretion, depart from the guidelines.

A review of the Maryland Sentencing Guidelines Database indicates that, for fiscal year 2024, the MSCCSP received information for 37 sentencing events involving 64 total counts of violations of Section 10, Subtitle 6 of the Criminal Law Article, in Maryland circuit courts. The number of counts per sentencing event ranged from 1 to 14, and most (75.7%) of the 37 sentencing events involved a single count. Specifically, 28 individuals were sentenced for 1 count; 4 individuals were sentenced for 2 counts; 2 individuals were sentenced for 3 counts; 2 individuals were sentenced for 4 counts; and 1 individual was sentenced for 14 counts. It is worth noting that only 9 of the 37 (24.3%) guidelines-eligible sentencing events in fiscal year 2024 involving crimes against animals included more than one crime against animals. Accordingly, the number of sentencing events potentially impacted by SB 152 is small. Finally, it is also worth noting that violations of Section 10, Subtitle 6 of the Criminal Law Article are more likely to be prosecuted in the District Court where the sentencing guidelines are not applied.