

SB152 Fav.pdf

Uploaded by: Christopher West

Position: FAV

CHRIS WEST
Legislative District 42
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Judicial Proceedings Committee



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

January 9, 2025

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

Re: Senate Bill 152: *Criminal Law – Crimes Relating to Animals – Convictions & Sentencing*

Dear Chairman Smith and Members of the Committee,

Under current Maryland law, anyone who abuses animals in violation of animal cruelty laws can only be charged once for animal abuse. Hypothetically, if law enforcement uncovered a 25-dog dogfighting ring being used four times in a week, they would be charged with one count of animal abuse instead of 100.

It is hard to contemplate how a human being could 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 a pattern of such cruelty that a much stiffer punishment is warranted.

Senate Bill 152 resolves this issue by making every instance of animal abuse and every animal abused a separate charge. It states that each animal harmed in 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 establishing violation.”

According to the Calvert County State’s Attorney’s office, the typical defendant in animal abuse cases has harmed multiple animals multiple times. Senate Bill 152 is a necessary change to that will better help prosecute and punish these depraved and senseless acts.

I appreciate the Committee’s consideration of Senate Bill 152 and will be happy to ask any questions the Committee may have.

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Uploaded by: Jennifer Bevan-Dangel

Position: FAV



THE HUMANE SOCIETY OF THE UNITED STATES

January 9, 2025

Judicial Proceedings Committee

SB 152

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 152. This bill seeks to restore the ability to bring multiple charges in cases where multiple animals are seriously abused or neglected.

Animal related criminal cases often represent the worst animal crimes that occur – from dog fighting to sexual assault. Each charge represents an animal that has been intentionally, severely, and cruelly treated. Prosecutors have always had the ability to stack charges in these cases, but a decision in May of 2023 by the Maryland Sentencing Commission took away that ability due to a technicality in the law.

Animals, while legally property, are also living creatures; this puts them in a grey area between physical possessions, for which charges can no longer be stacked, and people, where charges can still be stacked. Maryland is making a concerted effort to move away from convictions and to decrease incarceration. 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 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 provision in the legislation that classifies animals as victims is truly limited to only the stacking provisions of this subtitle. We do not intend for this bill to reclassify animals as victims for other purposes under the law.

We appreciate the unanimous support in both chambers for this bill last year and urge a favorable report and speedy passage on SB 152 to ensure that every life lost has its day in court.

*For more information contact the Humane Society of the United States
Maryland State Director | Maryland@humanesociety.org*

SB 152 Animal Abuse Conviction & Sentencing -- FAV

Uploaded by: KIMBERLY EGAN

Position: FAV



MARYLAND
HORSE
COUNCIL

P.O. Box 606 | Lisbon, Maryland 21797
www.mdhorsecouncil.org

One Common Bond: The Horse
One Common Voice: The Horse Council

Testimony of the Maryland Horse Council on SB 152

Criminal Law – Animal Abuse or Neglect – Conviction & Sentencing

FAVORABLE

The Maryland Horse Council (MHC) is a membership-based trade association that represents the \$2.9 billion, state-wide, horse industry in Maryland. Our members include horse farms; horse related businesses; equestrian competitors; trainers; individual enthusiasts; equine-assisted therapy programs; and breed, interest, and discipline associations. We represent over 30,000 Marylanders who make their living with horses, or who just own and love them.

Animal cruelty is the highest legislative priority for our members. Horse ownership comes with a moral and ethical obligation to provide one's horse with the best quality of life possible. It also comes with the obligation to move one's horse to a better home if one is no longer able to provide sufficient care. MHC feels sufficiently strongly about this issue that we developed the Guide to Minimum Standards of Care for Equines, which is used in cruelty and neglect cases in Maryland and around the United States.

Horse owners who criminally abuse and neglect their horses have breached their obligations to the animal to an unforgiveable degree. We support any efforts to punish such defendants severely.

We urge a favorable report on SB 152.

Respectfully submitted,

THE MARYLAND HORSE COUNCIL
(844) MDHORSE (844-634-6773)
Info@mdhorsecouncil.org

Criminal Law - Crimes Relating to Animals - Convic

Uploaded by: Lisa Radov

Position: FAV



MARYLAND VOTES FOR ANIMALS

PO Box 10411
BALTIMORE, MD 21209

January 9, 2025

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 152 - Support

Chair Smith, Vice Chair Waldstreicher, members of the Judicial Proceedings Committee, thank you for the opportunity to send testimony in support of SB 152. My name is Lisa Radov, President and Chair of 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 152.

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, including felony cases like dog fighting or hoarding.

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.

Last session, this bill had unanimous support and passed 44-0 in the Senate. We appreciate the early bill hearing and hope that this committee will continue to move this bill forward.

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

SB0152 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**

**SB0152 – Criminal Law- Crimes Relating to Animals- Conviction and Sentencing
Maryland Senate Judicial Proceedings Committee**

January 4, 2025

Dear Honorable Chairman Smith, Vice-Chair 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 SB0152.

Cases which rise to the level of prosecution are the most egregious we see in humane law enforcement. These cases involve acts of hoarding, 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.

We support the bill as it will directly address the Sentencing Commission decision on this issue. We appreciate the work put in by the sponsor to identify alternative language that satisfies the work and amendments requested last year on this bill, and we ask this committee to issue a speedy and favorable report.

As I had the opportunity to share when I testified before you last year on this bill, these cases are not everyday occurrences, however when they do occur, they are 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 or other items which are not living beings.

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

SB152 MSCCSP Written Testimony

Uploaded by: David Soule, Ph.D.

Position: INFO

MSCCSP



Maryland State Commission on Criminal Sentencing Policy

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Vice-Chair

Hon. Melanie M. Shaw

Commissioners

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Sec. Carolyn J. Scruggs

Sen. Charles E. Sydnor, III

Sen. Chris R. West

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

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.

MSCCSP



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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.