

Department of Legislative Services  
Maryland General Assembly  
2012 Session

FISCAL AND POLICY NOTE

House Bill 484  
Judiciary

(Delegates Simmons and Frick)

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Criminal Law - Animal Cruelty - Payment of Costs

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This bill authorizes a court to order a defendant convicted of specified animal cruelty offenses to pay all reasonable costs incurred in removing, housing, treating, or euthanizing an animal confiscated from the defendant. The order is a condition of sentencing and the payment is in addition to any other fines and costs imposed by the court. The applicable offenses are: (1) felony aggravated cruelty to animals (general); (2) felony aggravated cruelty to animals (dogfighting); and (3) felony aggravated cruelty to animals (cockfighting).

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Fiscal Summary

**State Effect:** None. The bill is procedural and does not materially affect State finances.

**Local Effect:** Potential minimal decrease in local expenditures to the extent the court-ordered payments defray costs incurred by local government entities that care for confiscated animals.

**Small Business Effect:** Potential meaningful impact to the extent that court-ordered payments defray costs incurred by small businesses that care for confiscated animals.

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Analysis

**Current Law:** A person may not intentionally mutilate, torture, cruelly beat, or kill an animal or cause or procure such an act. Except in the case of self-defense, a person may not intentionally inflict bodily harm, permanent disability, or death on an animal owned or used by a law enforcement unit. A person who violates these provisions is guilty of the felony of aggravated cruelty to animals and is subject to maximum penalties of

three years imprisonment and/or a \$5,000 fine. As a condition of probation, a court may prohibit a defendant from owning, possessing, or residing with an animal.

A person may not (1) use or allow a dog to be used in a dogfight; (2) arrange or conduct a dogfight; (3) possess, own, sell, transport, or train a dog with the intent to use the dog in a dogfight; or (4) knowingly allow premises under his or her control to be used for dogfighting. A person who violates these provisions is guilty of a felony and is subject to up to three years imprisonment or a maximum fine of \$5,000, or both.

A person may not (1) use or allow the use of a fowl, cock, or other bird to fight with another animal; (2) possess, with an intent to unlawfully use, an implement of cockfighting or any tool designed to enhance a bird's fighting ability for use in a deliberate bird fighting event; (3) arrange or conduct an event where a fowl, cock, or other bird fights with another fowl, cock, or other bird; (4) possess, own, sell, transport, or train a bird with the intent to use the fowl, cock, or other bird in a cockfight; or (5) knowingly allow premises under the person's control to be used for a fowl, cock, or other bird to fight with another fowl, cock, or other bird. A person who violates these provisions is guilty of a felony and may receive up to three years imprisonment, a maximum fine of \$5,000, or both.

The court may order a person convicted of any of these crimes to undergo and pay for psychological counseling.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 203 (Senator Zirkin, *et al.*) - Judicial Proceedings.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of State Police, State's Attorneys' Association, Department of Legislative Services

**Fiscal Note History:** First Reader - February 6, 2012  
ncs/kdm

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