

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 59

(Senator Simonaire)

Judicial Proceedings

Criminal Law - Aggravated Cruelty to Animals in the Presence of a Minor

This bill expands the general prohibition on intentional animal cruelty to include violations committed in the presence of a minor who is at least two years old, when the offender knows or reasonably should know that the minor is within sight or hearing of the offense. Violators are guilty of the felony of aggravated cruelty to animals in the presence of a minor and are subject to maximum penalties of imprisonment for five years and/or a fine of \$5,000.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions. Enforcement can be handled with existing resources.

Local Effect: Potential minimal increase in local revenues due to the bill's penalty provisions. Enforcement can be handled with existing resources.

Small Business Effect: None.

Analysis

Current Law: A person may not intentionally mutilate, torture, cruelly beat, or cruelly kill an animal, or cause, procure, or authorize another person to do so. Intentionally inflicting bodily harm, permanent disability, or death on an animal owned or used by a law enforcement unit is prohibited except in cases of self-defense. Violators are guilty of the felony of aggravated cruelty to animals and are subject to maximum penalties of imprisonment for three years and/or a fine of \$5,000. A court may order a person convicted of this offense to participate in and pay for psychological counseling. As a condition of

probation, a court may prohibit a violator from owning, possessing, or residing with any animal.

Background: According to the Maryland State Commission on Criminal Sentencing Policy, three people were sentenced for one count of the felony of aggravated cruelty to animals in fiscal 2015. It is unknown whether any minors were within sight or hearing when these crimes were committed.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy, Judiciary (Administrative Office of the Courts), Office of the Public Defender, State's Attorneys' Association, Department of Public Safety and Correctional Services, Department of State Police, Department of Legislative Services

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min/kdm

Analysis by: Michelle Davis

Direct Inquiries to:
(410) 946-5510
(301) 970-5510