

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1134
Judiciary

(Delegate Atterbeary, *et al.*)

Judicial Proceedings

Criminal Law – Unnatural or Perverted Sexual Practices – Sexual Activity With
an Animal

This bill adds engaging in vaginal or anal intercourse with an animal to existing prohibitions against unnatural or perverted sexual practices.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's expanded application of existing penalty provisions.

Local Effect: Potential minimal increase in local revenues and expenditures due to the bill's expanded application of existing penalty provisions.

Small Business Effect: None.

Analysis

Current Law: The offense of unnatural or perverted sexual practices prohibits a person from (1) taking the sexual organ of another person or of an animal in the person's mouth; (2) placing the person's sexual organ in the mouth of another person or of an animal; or (3) committing another unnatural or perverted sexual practice with another person or with an animal. Violators are guilty of a misdemeanor, punishable by imprisonment for up to 10 years and/or a \$1,000 maximum fine. A prosecution for unnatural or perverted sexual practices may be instituted at any time. An indictment for the offense is sufficient if it states that the defendant committed an unnatural and perverted sexual practice with a person or an animal as applicable but need not state the unnatural or perverted sexual

practice with which the defendant is charged or manner in which the defendant committed the unnatural or perverted sexual practice.

Background: According to the Judiciary, there were 170 violations filed in the District Court and 106 violations filed in the circuit courts for unnatural or perverted sexual practices during fiscal 2017. A violation is a charge filed in the court. It is not a conviction, and one person may be associated with more than one violation. The Maryland State Commission on Criminal Sentencing Policy advises that two individuals were sentenced in the State's circuit courts for unnatural or perverted sexual practices during fiscal 2017. Information is not readily available on the number of individuals sentenced for this offense in the District Court during fiscal 2017.

Additional Information

Prior Introductions: None.

Cross File: SB 800 (Senator Lee, *et al.*) - Judicial Proceedings.

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

Fiscal Note History: First Reader - February 23, 2018
mm/kdm Third Reader - March 19, 2018
Revised - Amendment(s) - March 19, 2018

Analysis by: Amy A. Devadas

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