

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 505

(Senators Hough and Hester)

Judicial Proceedings

Environment and Transportation

Crimes Against Animals – Interference With Equines

This bill expands the application and scope of existing prohibitions on interfering with or committing other specified acts against a horse used for racing, breeding, or specified competitive exhibitions. The bill (1) expands application of the prohibitions to all equines and (2) applies the prohibitions to equines used for any lawful activity. “Equine” includes horses, donkeys, mules, and ponies. The bill specifies that the prohibitions do not apply to the owner of the equine or a person acting on behalf of or at the direction of the owner of the equine. The bill also alters the penalty provision such that violators are guilty of a misdemeanor, rather than a felony, and on conviction are subject to a fine of up to \$1,000 and/or imprisonment for up to one year, rather than imprisonment of between one and three years.

Fiscal Summary

State Effect: Minimal decrease in general fund expenditures due to the reduced incarceration penalty. The bill does not materially affect the workload of the Judiciary. Minimal increase in general fund revenues due to the bill’s monetary penalty provision.

Local Effect: Minimal increase in local expenditures due to the bill’s expanded application of and changes to the existing incarceration penalty. Revenues are not affected.

Small Business Effect: Minimal.

Analysis

Current Law: A person may not commit the following acts against a horse used for racing, breeding, or a competitive exhibition of skill, breed, or stamina: (1) willfully and

maliciously interfere with, injure, destroy, or tamper with the horse; (2) willfully start, instigate, engage in, or further an act that interferes with, injures, destroys, or tampers with the horse; or (3) commit an act that tends to interfere with, injure, destroy, or tamper with the horse.

Violators are guilty of a felony, punishable by imprisonment of at least one year and up to three years.

Background: The Maryland State Commission on Criminal Sentencing Policy advises that, according to the Maryland Sentencing Guidelines Database, no one was sentenced under the existing prohibitions in the State's circuit courts during fiscal 2019. The Department of Public Safety and Correctional Services advises that it did not receive any inmates sentenced under the existing prohibitions during fiscal 2019.

State Revenues: General fund revenues increase minimally as a result of the bill's monetary penalty provision from cases heard in the District Court.

State Expenditures: General fund expenditures decrease minimally as a result of the bill's reduced incarceration penalty, as those sentenced under the bill would no longer be sentenced to State correctional facilities. This assumes that, under the existing incarceration penalty, a minimal number of individuals would otherwise be sentenced to a term longer than one year.

Persons serving a sentence longer than 18 months are incarcerated in State correctional facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$3,700 per month. Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. For persons sentenced to a term of between 12 and 18 months, the sentencing judge has the discretion to order that the sentence be served at a local facility or a State correctional facility. The State provides assistance to the counties for locally sentenced inmates and for (1) inmates who are sentenced to and awaiting transfer to the State correctional system; (2) sentenced inmates confined in a local detention center between 12 and 18 months; and (3) inmates who have been sentenced to the custody of the State but are confined in or who receive reentry or other prerelease programming and services from a local facility.

The State does not pay for pretrial detention time in a local correctional facility. Persons sentenced in Baltimore City are generally incarcerated in State correctional facilities. The Baltimore Pretrial Complex, a State-operated facility, is used primarily for pretrial detentions.

Changing a crime from a felony to a misdemeanor means that cases are likely to be filed in the District Court rather than the circuit courts. Accordingly, it is assumed that this bill

shifts a minimal number of cases from the circuit courts to the District Court. Any such impact is not anticipated to materially affect the Judiciary.

Local Expenditures: Expenditures increase minimally as a result of the bill's expanded application of the existing incarceration penalty to violations involving equines instead of only horses. In addition, due to the reduced incarceration penalty, those sentenced under the bill will be sentenced only to local correctional facilities. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. Per diem operating costs of local detention facilities have ranged from approximately \$40 to \$170 per inmate in recent years.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

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

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Analysis by: Hillary J. Cleckler

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