



AMERICAN
KENNEL CLUB®

March 2, 2021

American Kennel Club Testimony on HB 1080 – Petition for Costs of care of Seized Animals

Chair Clippinger, Vice Chair Atterbeary and Members of the House Judiciary Committee:

The American Kennel Club (AKC) provides this written testimony on behalf of our Maryland dog clubs and thousands of constituent dog owners in Maryland. Having had an opportunity to speak with the sponsor and understanding that an amendment version of the bill has been drafted, I would like to address concerns with the bill as introduced as well as the amended version.

As introduced, AKC opposes the bill and seeks amendments that address the following concerns:

1. Our main concern is the potential loss of ownership of an animal for failure to make a payment for cost of care for an owner who is ultimately found not guilty of the charges.
2. The inability for a judge to consider the ability of an owner/custodian to pay in establishing the cost for care.
3. Requirement that if petitioner prevails, the owner/custodian must pay the petitioner's cost of filing (petitioner has no deterrent to not file).
4. No limitation on veterinary care – alteration should only be allowed if medically necessary to save an animal's life (this especially important if owner/custodian found not guilty).

AKC understands that amendments are being offered. We greatly appreciate the amended language that enables an owner found not guilty to repossess their animal and have their money returned, if all costs ordered to be paid have been done so in a timely manner. However, under section G 4 it states: ***If a defendant subject to a costs order fails to timely pay any of the amounts ordered; such that, funds are not deposited within 7 days as required by the order.***

(i) a seized animal for which reasonable costs of care were ordered shall be automatically forfeited, by operation of law, to the Seizing Agency; and

(ii) the seizing agency shall obtain all rights and privileges in and over the animal.

This section would seem to deny that same owner who is found not guilty the ability to have their animals returned simply because they failed to make timely payments. We respectfully ask that this be clarified. AKC believes that if the individual is not guilty, their animals should be returned to them as they were, and they should continue to be the owner of the animal.

Additional concerns with the amended version include:

1. Failure to file an initial petition by the owner or custodian renders the conditions for return of an animal after acquittal moot as section (b) (2) states: IF THE OWNER OR CUSTODIAN DOES NOT PETITION WITHIN

10 DAYS..., THE ANIMALS WILL BE FORFEITED TO THE SEIZING AGENCY. If a person ultimately found not guilty of the original charges that resulted in the seizure failed to file the initial petition, they no longer retain ownership of the animals which were, are, and should continue to belong to the owner.

2. The inability for a judge to consider the ability of an owner/custodian to pay in establishing the costs for care unless it involves two animals or less. While we greatly appreciate that costs are limited to \$15 per day this does not include the cost of medical care. Inability to pay could be a deterrent to filing a petition to begin with, so the rightful owner of the animals may be denied ownership with no recourse to get them back should they be found not guilty.
3. No limitation on veterinary care – alteration should only be allowed if medically necessary to save animals life (this is especially important if owner/custodian found not guilty).

While we understand the concerns this proposal seeks to address, House Bill 1080 as originally introduced and portions of the proposed amended version do not allow a person to be innocent until proven guilty. In particular, the bill disproportionately punishes those with low or fixed incomes who may not be able to pay the charges throughout an ongoing trial process in both versions, or to file a petition in the amended version.

The AKC strongly supports the humane treatment of dogs and believes that no dog or animal should be kept in cruel circumstances. We agree that those *convicted* of animal cruelty should be held accountable, including paying for the costs of caring for the animals they mistreated. We thank the sponsor for the many efforts made to address concerns. However, AKC continues to be concerned that House Bill 1080 will have detrimental effects on animal owners whose animals are unjustly seized, who are found not guilty, or against whom charges are dismissed.

Thank you for reviewing and considering my testimony.



Charley Hall
Legislative Analyst/Community Outreach Coordinator
American Kennel Club
8051 Arco Corporate Drive, Suite 100, Raleigh NC 27617
t: 919-816-3971 | e: charles.hall@akc.org