

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Joseph M. Getty
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 877
Criminal Law – Animal Cruelty – Petition for Costs for Care of
Seized Animal
DATE: February 16, 2022
(3/8)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 877. This bill relates to the seizure of animals as part of animal cruelty prosecutions.

The scheduling provisions provided in this bill would be difficult to implement. For example, this bill requires the court to issue an order no later than five days after the commencement, not the conclusion, of the hearing. This timeline is problematic, if not impossible, especially if a hearing has been continued.

Further, the bill requires a court to order an owner to pay any filing fees and costs of animal care. This court order shall include a schedule of payments with automatic forfeiture of the animal if the owner fails to make schedule payments. It is not clear, however, who monitors the owner's compliance with the payment schedule.

In addition, the bill states that an order for payment of costs shall terminate if the owner surrenders rights to the animal, the animal is forfeited to the petitioner or the animal dies or is euthanized. The bill does not explain who is to monitor the status of the animal for purposes of potentially terminating the order.

Finally, this bill could force a defendant in an animal cruelty case to participate in a civil case concerning the same subject matter, thereby risking the defendant's constitutional rights in the criminal case if he or she attempts to defend fully the civil case. Specifically, Criminal Law § 10-615(b) and (c) allow, in certain circumstances, an animal to be seized before a defendant is convicted of an act of animal cruelty. This bill allows the seizing person to file a petition for reasonable costs of caring for the animal. Soon after the petition is filed, the court must hold a hearing and decide whether the seizure of the animal was warranted. That determination would require that the court look at evidence that will likely be critical in a related animal cruelty criminal case. As a result,

the animal owner may have to risk presenting evidence in the civil case, including testifying in the civil case, that may later harm the defendant in his or her criminal case, or else be faced with a judgment for the cost of caring for the seized animal.

cc. Hon. Jeff Waldstreicher
Judicial Council
Legislative Committee
Kelley O'Connor