



**AMERICAN
KENNEL CLUB®**

February 22, 2022

American Kennel Club Testimony on SB 877 – Petition for Costs for Care of Seized Animal

Chair Smith, Vice Chair Waldstreicher and Members of the Senate Judicial Proceedings Committee:

The American Kennel Club (AKC) provides this written testimony on behalf of our 78 Maryland dog clubs and thousands of constituent dog owners in Maryland.

AKC strongly believes that those who treat animals in a cruel manner should be held accountable and punished accordingly. Current Maryland law clearly defines cruelty and appropriate penalties. However, Senate Bill 877 ignores the basic right of innocent until proven guilty and could cause an owner to permanently lose their animals if they miss one payment for care during the trial – even if charges are dropped or they are found not guilty.

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

1. Our main concern is the potential loss of animal ownership for failure to make a payment for cost of care for an owner who is ultimately found not guilty of the charges.
2. The bill limits a judge from considering the owner or custodian's ability to pay when considering the cost of care and filing fees unless the proceeding involves less than two animals and the only charges are neglect. The owner or custodian will be required to make payments as required by the order. If they fail to do so the animal shall be automatically forfeited, and the authorized agent shall obtain all rights to the animal.
3. There is no limitation to veterinarian care. As such, language needs to be added that states that alteration (such as sterilization) is allowed only if medically necessary. This is especially important if the owner or custodian is ultimately found not guilty.

We greatly appreciate the 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 AN OWNER OR A CUSTODIAN FAILS TO TIMELY PAY ANY OF THE AMOUNTS ORDERED WITHIN 30 CALENDAR DAYS:

- (I) **THE SEIZED ANIMAL FOR WHICH REASONABLE COSTS OF 24 CARE WERE ORDERED SHALL BE AUTOMATICALLY FORFEITED, BY OPERATION OF LAW, TO THE PETITIONER; AND**
- (II) **THE PETITIONER 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 an 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.

While we understand the concerns this proposal seeks to address, Senate Bill 877 simply does 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 which can often drag on for months.

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. However, AKC continues to be concerned that Senate Bill 877 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.

A handwritten signature in black ink that reads "Charley Hall". The signature is written in a cursive, slightly slanted style.

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