

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 360

(Senator Henson, *et al.*)

Judicial Proceedings

Judiciary

Criminal Law - Emergency Response Animal - Prohibited Actions Against

This bill repeals a prohibition against intentional infliction of bodily harm, permanent disability, or death on an animal owned or used by a law enforcement unit (except in the case of self-defense), which is as a felony (aggravated cruelty to animals). The bill instead establishes misdemeanors that (1) more broadly prohibit specified intentional harm to, harassment of, or interference with, an “emergency response animal” (including a dog or horse used by a law enforcement unit) and (2) are subject to a broader range of criminal penalties.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances, as discussed below.

Local Effect: The bill is not expected to materially affect local government finances, as discussed below.

Small Business Effect: None.

Analysis

Bill Summary: The bill replaces the existing prohibition on the intentional infliction of bodily harm, permanent disability, or death on an animal owned or used by a law enforcement unit (except in the case of self-defense) with provisions that more broadly prohibit actions against an emergency response animal.

“Emergency response animal” means:

- a dog used by a law enforcement unit in the State that is trained for law enforcement work and is subject to the control of a law enforcement officer who has completed handler training in accordance with the policies of the law enforcement unit that employs the officer;
- a horse used by a law enforcement unit in the State for law enforcement work; or
- a search and rescue dog trained for or engaged in an effort directed by a State agency or a political subdivision of the State to locate or rescue a lost, injured, or deceased individual.

The bill prohibits a person from:

- intentionally harassing or interfering with an emergency response animal during the lawful performance of its duties; or
- intentionally injuring an emergency response animal.

A person who violates those prohibitions is guilty of a misdemeanor and subject to imprisonment for up to one year and/or a fine of up to \$5,000. A person who violates those prohibitions during the commission of another crime is subject to imprisonment for up to two years and/or a fine of up to \$15,000.

The bill also prohibits a person from intentionally killing or causing serious physical injury to an emergency response animal, and a person who violates the prohibition is guilty of a misdemeanor and subject to imprisonment for up to five years and/or a fine of up to \$10,000.

“Serious physical injury” means physical injury that causes permanent or protracted (1) disfigurement; (2) loss of function of any bodily member or organ; or (3) impairment of the function of any bodily member or organ.

A sentence imposed under the bill’s misdemeanor provisions may be imposed separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of the provisions.

The bill clarifies that none of its provisions prohibit a defendant from asserting the defense of necessity to a charge of violating the bill’s prohibitions. The bill also establishes that it is an affirmative defense to a charge of violating the bill’s prohibitions that the defendant acted reasonably to prevent physical harm resulting from a violation of the Maryland Use of Force Statute.

Current Law:

Intentional Harm to a Law Enforcement Animal

A person may not, except in the case of self-defense, intentionally inflict bodily harm, permanent disability, or death on an animal owned or used by a law enforcement unit. A person who violates the prohibition is guilty of the felony of aggravated cruelty to animals and subject to imprisonment for up to three years and/or a fine of up to \$5,000.

Under provisions broadly applicable to crimes against animals, including the felony of aggravated cruelty to animals, a sentence imposed may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the criminal violation.

Maryland Use of Force Statute

The Maryland Use of Force Statute (referenced in the bill), among other things, prohibits a police officer from using force against a person unless, under the totality of the circumstances, the force is necessary and proportional to (1) prevent an imminent threat of physical injury to a person or (2) effectuate a legitimate law enforcement objective. A police officer must cease the use of force as soon as (1) the person on whom the force is used is under the police officer's control or no longer poses an imminent threat of physical injury or death to the police officer or to another person or (2) the police officer determines that force will no longer accomplish a legitimate law enforcement objective.

State and Local Fiscal Effect: By repealing the felony offense for specified intentional harm to an animal owned or used by a law enforcement unit (except in cases of self-defense) and establishing, instead, misdemeanor offenses for intentional harm to, harassment of, or interference with an emergency response animal, some cases may move from circuit courts (where felonies typically are heard) to the District Court (where misdemeanors are typically heard). However, some cases under the bill may remain in circuit courts due to the amount of the applicable maximum penalties.

Any effect the bill has on monetary or incarceration penalties imposed for intentionally harming, harassing, or interfering with an emergency response animal is not expected to significantly affect State or local government finances. The Judiciary indicates that there have been relatively few felony convictions for intentionally harming a law enforcement animal under current law.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 563 (Delegates Behler and Cardin) - Judiciary.

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

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