

# HOUSE BILL 178

E1  
HB 169/11 – JUD

3lr1953

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By: **Delegates Glenn and Haddaway–Riccio**  
Introduced and read first time: January 21, 2013  
Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Dangerous Dogs – Registration and Penalties**

3 FOR the purpose of requiring the owner of a dangerous dog to obtain a certain  
4 registration certificate from a local animal control unit within a certain period  
5 of time; requiring the owner to pay a certain fee set by the animal control unit;  
6 requiring a certain registration certificate to include certain information;  
7 requiring a local animal control unit to issue a certain registration certificate if  
8 the owner of a dangerous dog provides certain satisfactory evidence; requiring a  
9 certain registration certificate to be renewed annually at a fee set by the local  
10 animal control unit; requiring the owner of a dangerous dog to notify the local  
11 animal control unit of certain changes in information; requiring certain animal  
12 control units to forward certain information to the State Board of Veterinary  
13 Medical Examiners in the State Department of Agriculture; requiring the Board  
14 to publish certain information on a certain Web site; prohibiting a person from  
15 importing a dangerous dog into the State; prohibiting a person from selling,  
16 adopting, or otherwise transferring a dangerous dog in the State to another  
17 person other than an animal control unit; establishing certain penalties for  
18 certain violations of this Act; establishing certain penalties for the owner of a  
19 dangerous dog if the dangerous dog kills or inflicts injury on a person or on a  
20 domestic animal; establishing a certain penalty for the owner of a dangerous  
21 dog if the dog kills or inflicts severe injury on a person caused by the owner's  
22 gross negligence or reckless, wanton, or intentional misconduct; prohibiting a  
23 court from imposing less than a certain mandatory minimum sentence;  
24 prohibiting a court from suspending any part of a certain mandatory minimum  
25 sentence; requiring an owner of a potentially dangerous dog who sells or gives  
26 the dog to another to make a certain written notification; removing a certain act  
27 from the list of acts for which a certain unit may determine that a dog is  
28 potentially dangerous; defining certain terms; and generally relating to  
29 registration of dangerous dogs.

30 BY repealing and reenacting, with amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Criminal Law  
 2 Section 10–619  
 3 Annotated Code of Maryland  
 4 (2012 Replacement Volume and 2012 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article – Criminal Law**

8 10–619.

9 (a) (1) In this section the following words have the meanings indicated.

10 (2) **“ANIMAL CONTROL UNIT” HAS THE MEANING STATED IN §**  
 11 **10–617 OF THIS SUBTITLE.**

12 (3) **“BOARD” MEANS THE STATE BOARD OF VETERINARY**  
 13 **MEDICAL EXAMINERS IN THE STATE DEPARTMENT OF AGRICULTURE.**

14 [(2)] (4) (I) **“Dangerous dog” means a dog that:**

15 [(i)] 1. without provocation has killed or inflicted severe  
 16 injury on a person; [or]

17 2. **WHEN NOT ON ITS OWNER’S REAL PROPERTY,**  
 18 **KILLS OR INFLECTS SEVERE INJURY ON A DOMESTIC ANIMAL; OR**

19 [(ii)] 3. is determined by the appropriate unit of a county or  
 20 municipal corporation under subsection (c) of this section to be a potentially dangerous  
 21 dog and, after the determination is made:

22 [1.] **A. bites a person; OR**

23 [2. when not on its owner’s real property, kills or inflicts  
 24 severe injury on a domestic animal; or

25 3.] **B. attacks without provocation.**

26 (II) **“DANGEROUS DOG” DOES NOT INCLUDE A DOG THAT**  
 27 **KILLED OR INFLECTED SEVERE INJURY ON A PERSON IF AT THE TIME THE**  
 28 **PERSON WAS:**

29 1. **COMMITTING A CRIME ON PROPERTY OCCUPIED**  
 30 **BY THE DOG’S OWNER;**

1                                   **2. COMMITTING A WILLFUL TRESPASS ON PROPERTY**  
2 **OCCUPIED BY THE DOG’S OWNER; OR**

3                                   **3. PROVOKING, TORMENTING, OR PHYSICALLY**  
4 **ABUSING THE DOG, OR PREVIOUSLY HAS REPEATEDLY PROVOKED, TORMENTED,**  
5 **OR PHYSICALLY ABUSED THE DOG.**

6                           **[(3)] (5)**     (i)     “Owner’s real property” means real property owned or  
7 leased by the owner of a dog.

8                                   (ii)    “Owner’s real property” does not include a public  
9 right-of-way or a common area of a condominium, apartment complex, or townhouse  
10 development.

11                           **[(4)] (6)**     “Severe injury” means a physical injury that results in  
12 broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

13                   (b)    This section does not apply to a dog owned by and working for a  
14 governmental or law enforcement unit.

15                   (c)    An appropriate unit of a county or municipal corporation may determine  
16 that a dog is potentially dangerous if the unit:

17                           (1)    finds that the dog:

18                                   (i)    has inflicted a bite on a person while on public or private  
19 real property; **OR**

20                                   (ii)   [when not on its owner’s real property, has killed or inflicted  
21 severe injury on a domestic animal; or

22                                   (iii)] has attacked without provocation; and

23                           (2)    notifies the dog owner in writing of the reasons for this  
24 determination.

25                   (d)    A dog owner may not:

26                           (1)    leave a dangerous dog unattended on the owner’s real property  
27 unless the dog is:

28                                   (i)    confined indoors;

29                                   (ii)   in a securely enclosed and locked pen; or

1 (iii) in another structure designed to restrain the dog; or

2 (2) allow a dangerous dog to leave the owner's real property unless the  
3 dog is leashed and muzzled, or is otherwise securely restrained and muzzled.

4 (e) An owner of a [dangerous dog or] potentially dangerous dog who sells or  
5 gives the dog to another shall notify in writing:

6 (1) the authority that made the determination under subsection (c) of  
7 this section, of the name and address of the new owner of the dog; and

8 (2) the person taking possession of the dog, of the dangerous behavior  
9 or potentially dangerous behavior of the dog.

10 (f) A person who violates **SUBSECTION (D) OR (E) OF** this section is guilty  
11 of a misdemeanor and on conviction is subject to a fine not exceeding \$2,500.

12 **(G) (1) WITHIN 10 DAYS OF A DOG COMMITTING AN ACT THAT**  
13 **RENDERS IT A DANGEROUS DOG, THE OWNER OF THE DANGEROUS DOG SHALL**  
14 **OBTAIN A DANGEROUS DOG REGISTRATION CERTIFICATE FROM A LOCAL**  
15 **ANIMAL CONTROL UNIT.**

16 **(2) TO OBTAIN A DANGEROUS DOG REGISTRATION CERTIFICATE,**  
17 **THE OWNER SHALL PAY A FEE SET BY THE LOCAL ANIMAL CONTROL UNIT.**

18 **(3) A DANGEROUS DOG REGISTRATION CERTIFICATE SHALL**  
19 **INCLUDE:**

20 **(I) THE NAME AND ADDRESS OF THE OWNER OF THE**  
21 **DANGEROUS DOG;**

22 **(II) THE BREED OF THE DANGEROUS DOG;**

23 **(III) TATTOO OR ELECTRONIC IMPLANTATION**  
24 **IDENTIFICATION INFORMATION OF THE DANGEROUS DOG; AND**

25 **(IV) A DESCRIPTION OF THE ACT THAT RENDERED THE DOG**  
26 **A DANGEROUS DOG.**

27 **(4) A LOCAL ANIMAL CONTROL UNIT SHALL ISSUE A DANGEROUS**  
28 **DOG REGISTRATION CERTIFICATE IF THE DANGEROUS DOG OWNER PROVIDES**  
29 **SATISFACTORY EVIDENCE THAT:**

30 **(I) THE DANGEROUS DOG:**

- 1                   1.    **HAS A CURRENT RABIES VACCINATION;**
- 2                   2.    **HAS BEEN SPAYED OR NEUTERED;**
- 3                   3.    **WILL BE CONFINED TO THE OWNER'S RESIDENCE**  
4 **OR IN A SECURELY ENCLOSED AND LOCKED PEN; AND**
- 5                   4.    **HAS BEEN PERMANENTLY IDENTIFIED BY A**  
6 **TATTOO OR BY ELECTRONIC IMPLANTATION; AND**

7                   **(II)    THE OWNER:**

- 8                   1.    **HAS LIABILITY COVERAGE OF AT LEAST \$300,000**  
9 **THAT COVERS DOG ATTACKS; AND**
- 10                  2.    **HAS POSTED CLEARLY VISIBLE SIGNS WARNING**  
11 **OF THE PRESENCE OF A DANGEROUS DOG AT THE PROPERTY WHERE THE**  
12 **DANGEROUS DOG IS CONFINED.**

13                  **(5)    A DANGEROUS DOG REGISTRATION CERTIFICATE OBTAINED**  
14 **UNDER THIS SUBSECTION SHALL BE RENEWED ANNUALLY FOR A FEE SET BY**  
15 **THE LOCAL ANIMAL CONTROL UNIT.**

16                  **(6)    THE OWNER OF A DANGEROUS DOG PROMPTLY SHALL NOTIFY**  
17 **THE LOCAL ANIMAL CONTROL UNIT IF:**

18                  **(I)    THERE IS ANY CHANGE IN THE OWNER'S NAME OR**  
19 **ADDRESS;**

20                  **(II)   THE DANGEROUS DOG BECOMES LOOSE OR**  
21 **UNCONFINED;**

22                  **(III) THE DANGEROUS DOG BITES OR ATTACKS A PERSON OR**  
23 **ANOTHER ANIMAL; OR**

24                  **(IV)  THE DANGEROUS DOG IS SOLD, GIVEN AWAY, OR DIES.**

25                  **(H)   (1)   EACH LOCAL ANIMAL CONTROL UNIT THAT ISSUES A**  
26 **DANGEROUS DOG REGISTRATION CERTIFICATE SHALL FORWARD THE**  
27 **INFORMATION COLLECTED UNDER SUBSECTION (G)(3) AND (6) OF THIS**  
28 **SECTION TO THE BOARD.**

1           **(2) THE BOARD SHALL PUBLISH THE INFORMATION COLLECTED**  
2 **UNDER PARAGRAPH (1) OF THIS SUBSECTION ON A PUBLICLY ACCESSIBLE WEB**  
3 **SITE MAINTAINED BY THE BOARD.**

4           **(I) (1) A PERSON MAY NOT IMPORT A DANGEROUS DOG INTO THE**  
5 **STATE.**

6           **(2) A PERSON MAY NOT SELL, ADOPT, OR OTHERWISE TRANSFER**  
7 **A DANGEROUS DOG IN THE STATE TO ANOTHER PERSON IN THE STATE OTHER**  
8 **THAN AN ANIMAL CONTROL UNIT.**

9           **(3) A PERSON WHO VIOLATES PARAGRAPH (1) OR (2) OF THIS**  
10 **SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT**  
11 **TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$2,500**  
12 **OR BOTH.**

13           **(J) (1) THE OWNER OF A DANGEROUS DOG THAT KILLS OR INFLECTS**  
14 **SEVERE INJURY ON A DOMESTIC ANIMAL IS GUILTY OF A MISDEMEANOR AND ON**  
15 **CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A**  
16 **FINE NOT EXCEEDING \$1,000 OR BOTH.**

17           **(2) THE OWNER OF A DANGEROUS DOG THAT INFLECTS INJURY**  
18 **ON A PERSON IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO**  
19 **IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$2,500 OR**  
20 **BOTH.**

21           **(3) THE OWNER OF A DANGEROUS DOG THAT KILLS OR INFLECTS**  
22 **SEVERE INJURY ON A PERSON IS GUILTY OF A FELONY AND ON CONVICTION IS**  
23 **SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 1 YEAR AND NOT EXCEEDING**  
24 **5 YEARS OR A FINE NOT EXCEEDING \$2,500 OR BOTH.**

25           **(4) THE OWNER OF A DANGEROUS DOG THAT KILLS OR INFLECTS**  
26 **SEVERE INJURY ON A PERSON CAUSED BY THE OWNER'S GROSS NEGLIGENCE OR**  
27 **RECKLESS, WANTON, OR INTENTIONAL MISCONDUCT IS GUILTY OF A FELONY**  
28 **AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 1**  
29 **YEAR AND NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$2,500 OR**  
30 **BOTH.**

31           **(5) (I) NOTWITHSTANDING § 14-102 OF THIS ARTICLE, THE**  
32 **COURT MAY NOT IMPOSE LESS THAN THE MANDATORY MINIMUM SENTENCE**  
33 **REQUIRED UNDER PARAGRAPH (3) OR (4) OF THIS SUBSECTION.**

1                           **(II) THE COURT MAY NOT SUSPEND ANY PART OF THE**  
2 **MANDATORY MINIMUM SENTENCE REQUIRED UNDER PARAGRAPH (3) OR (4) OF**  
3 **THIS SUBSECTION.**

4                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5                   October 1, 2013.