

SENATE BILL 991

L2, L3, N1

4r1885
CF HB 422

By: **Senator King**

Introduced and read first time: February 10, 2014

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Dogs – Discrimination Based on Breed, Type, or Heritage – Prohibited**

3 FOR the purpose of providing that a dog may not be determined to be potentially
4 dangerous based solely on the breed, type, or heritage of the dog; establishing
5 that a county or municipality may not enact a local law or adopt an ordinance
6 that prohibits a person from owning, keeping, or harboring a dog of a specific
7 breed, type, or heritage or take certain other actions based on the breed, type, or
8 heritage of a dog; providing that a homeowner or tenant, regardless of the terms
9 of certain documents, may not be prohibited from owning, keeping, or harboring
10 a dog of a specific breed, type, or heritage or be denied occupancy in or evicted
11 from residential property solely because the person owns, keeps, or harbors a
12 dog of a specific breed, type, or heritage; providing for the construction of
13 certain provisions of this Act; providing for the application of this Act; and
14 generally relating to discrimination against certain dogs.

15 BY repealing and reenacting, with amendments,
16 Article – Criminal Law
17 Section 10–619
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2013 Supplement)

20 BY adding to
21 Article – Local Government
22 Section 5–107 and 13–102.1
23 Annotated Code of Maryland
24 (2013 Volume)

25 BY adding to
26 Article – Real Property
27 Section 14–133
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2010 Replacement Volume and 2013 Supplement)

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

4 **Article – Criminal Law**

5 10–619.

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

7 (2) “Dangerous dog” means a dog that:

8 (i) without provocation has killed or inflicted severe injury on a
9 person; or

10 (ii) is determined by the appropriate unit of a county or
11 municipal corporation under subsection (c) of this section to be a potentially dangerous
12 dog and, after the determination is made:

13 1. bites a person;

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

16 3. attacks without provocation.

17 (3) (i) “Owner’s real property” means real property owned or leased
18 by the owner of a dog.

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

22 (4) “Severe injury” means a physical injury that results in broken
23 bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

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

26 (c) (1) **[An] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN**
27 appropriate unit of a county or municipal corporation may determine that a dog is
28 potentially dangerous **ONLY** if the unit:

29 **[(1)] (I)** finds that the dog:

1 [(i)] 1. has inflicted a bite on a person while on public or
2 private real property;

3 [(ii)] 2. when not on its owner’s real property, has killed or
4 inflicted severe injury on a domestic animal; or

5 [(iii)] 3. has attacked without provocation; and

6 [(2)] (II) notifies the dog owner in writing of the reasons for this
7 determination.

8 (2) **A DOG MAY NOT BE DETERMINED TO BE POTENTIALLY**
9 **DANGEROUS BASED SOLELY ON THE BREED, TYPE, OR HERITAGE OF THE DOG.**

10 (d) A dog owner may not:

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

13 (i) confined indoors;

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

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

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

18 (e) An owner of a dangerous dog or potentially dangerous dog who sells or
19 gives the dog to another shall notify in writing:

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

22 (2) the person taking possession of the dog, of the dangerous behavior
23 or potentially dangerous behavior of the dog.

24 (f) A person who violates this section is guilty of a misdemeanor and on
25 conviction is subject to a fine not exceeding \$2,500.

26 **Article – Local Government**

27 **5–107.**

28 **(A) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A**
29 **MUNICIPALITY FROM RESTRICTING THE OWNING, KEEPING, OR HARBORING OF**

1 A DANGEROUS DOG, AS DEFINED IN § 10-619(A) OF THE CRIMINAL LAW
2 ARTICLE, OR A DOG THAT HAS BEEN DETERMINED TO BE POTENTIALLY
3 DANGEROUS IN ACCORDANCE WITH § 10-619(C) OF THE CRIMINAL LAW
4 ARTICLE.

5 (B) A MUNICIPALITY MAY NOT:

6 (1) ADOPT AN ORDINANCE PROHIBITING A PERSON FROM
7 OWNING, KEEPING, OR HARBORING A DOG OF A SPECIFIC BREED, TYPE, OR
8 HERITAGE; OR

9 (2) DETERMINE A DOG TO BE A NUISANCE, POTENTIALLY
10 DANGEROUS, DANGEROUS, OR INHERENTLY DANGEROUS, OR OTHERWISE
11 REGULATE A DOG BASED ON THE BREED, TYPE, OR HERITAGE OF THE DOG.

12 13-102.1.

13 (A) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A COUNTY
14 FROM RESTRICTING THE OWNING, KEEPING, OR HARBORING OF A DANGEROUS
15 DOG, AS DEFINED IN § 10-619(A) OF THE CRIMINAL LAW ARTICLE, OR A DOG
16 THAT HAS BEEN DETERMINED TO BE POTENTIALLY DANGEROUS IN
17 ACCORDANCE WITH § 10-619(C) OF THE CRIMINAL LAW ARTICLE.

18 (B) A COUNTY MAY NOT:

19 (1) ENACT A LOCAL LAW PROHIBITING A PERSON FROM OWNING,
20 KEEPING, OR HARBORING A DOG OF A SPECIFIC BREED, TYPE, OR HERITAGE; OR

21 (2) DETERMINE A DOG TO BE A NUISANCE, POTENTIALLY
22 DANGEROUS, DANGEROUS, OR INHERENTLY DANGEROUS, OR OTHERWISE
23 REGULATE A DOG BASED ON THE BREED, TYPE, OR HERITAGE OF THE DOG.

24 Article – Real Property

25 14-133.

26 (A) THIS SECTION APPLIES TO ANY RESIDENTIAL PROPERTY,
27 INCLUDING PROPERTY THAT IS SUBJECT TO THE PROVISIONS OF:

28 (1) TITLE 8, TITLE 8A, TITLE 11, TITLE 11A, OR TITLE 11B OF
29 THIS ARTICLE; OR

30 (2) TITLE 5, SUBTITLE 6B OF THE CORPORATIONS AND
31 ASSOCIATIONS ARTICLE.

1 **(B) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT**
2 **RESTRICTIONS ON THE OWNING, KEEPING, OR HARBORING OF:**

3 **(1) ANY DOG, REGARDLESS OF BREED, TYPE, OR HERITAGE; OR**

4 **(2) A DANGEROUS DOG, AS DEFINED IN § 10-619(A) OF THE**
5 **CRIMINAL LAW ARTICLE, OR A DOG THAT HAS BEEN DETERMINED TO BE**
6 **POTENTIALLY DANGEROUS IN ACCORDANCE WITH § 10-619(C) OF THE**
7 **CRIMINAL LAW ARTICLE.**

8 **(C) REGARDLESS OF THE TERMS OF ANY CONTRACT, DEED, COVENANT,**
9 **RESTRICTION, INSTRUMENT, DECLARATION, RULE, BYLAW, LEASE AGREEMENT,**
10 **RENTAL AGREEMENT, OR ANY OTHER DOCUMENT, A HOMEOWNER OR TENANT**
11 **MAY NOT BE:**

12 **(1) PROHIBITED FROM OWNING, KEEPING, OR HARBORING A DOG**
13 **OF A SPECIFIC BREED, TYPE, OR HERITAGE; OR**

14 **(2) DENIED OCCUPANCY IN OR EVICTED FROM RESIDENTIAL**
15 **PROPERTY SOLELY BECAUSE THE PERSON OWNS, KEEPS, OR HARBORS A DOG OF**
16 **A SPECIFIC BREED, TYPE, OR HERITAGE.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
18 construed to apply retroactively and shall be applied to and interpreted to affect any
19 local law or ordinance prohibiting the owning, keeping, or harboring of a dog and any
20 document governing the owning, keeping, or harboring of a dog on residential property
21 in effect on the effective date of this Act.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2014.