

HOUSE BILL 371

E1
HB 178/13 – JUD

4lr1028

By: **Delegate Glenn**
Introduced and read first time: January 23, 2014
Assigned to: Judiciary

A BILL ENTITLED

AN ACT concerning

Criminal Law – Dangerous Dogs – Registration and Penalties

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

BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Criminal Law
 Section 10–619
 Annotated Code of Maryland
 (2012 Replacement Volume and 2013 Supplement)

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

Article – Criminal Law

10–619.

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

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

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

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

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

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

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

[1.] A. bites a person; OR

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

3.] B. attacks without provocation.

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

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

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

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

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

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

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

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

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

(1) finds that the dog:

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

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

(iii)] has attacked without provocation; and

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

(d) A dog owner may not:

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

(i) confined indoors;

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

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

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

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

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

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

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

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

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

(3) A DANGEROUS DOG REGISTRATION CERTIFICATE SHALL INCLUDE:

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

(II) THE BREED OF THE DANGEROUS DOG;

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

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

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

(I) THE DANGEROUS DOG:

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

(II) THE OWNER:

1. HAS LIABILITY COVERAGE OF AT LEAST \$300,000 THAT COVERS DOG ATTACKS; AND
2. HAS POSTED CLEARLY VISIBLE SIGNS WARNING OF THE PRESENCE OF A DANGEROUS DOG AT THE PROPERTY ON WHICH THE DANGEROUS DOG IS CONFINED.

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

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

- (I) THERE IS ANY CHANGE IN THE OWNER'S NAME OR ADDRESS;
- (II) THE DANGEROUS DOG BECOMES LOOSE OR UNCONFINED;
- (III) THE DANGEROUS DOG BITES OR ATTACKS A PERSON OR ANOTHER ANIMAL; OR
- (IV) THE DANGEROUS DOG IS SOLD, GIVEN AWAY, OR DIES.

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.