

Department of Legislative Services
 Maryland General Assembly
 2015 Session

FISCAL AND POLICY NOTE
Revised

House Bill 505
 Judiciary

(Delegate Kramer, *et al.*)

Judicial Proceedings

Public Safety - Law Enforcement - K-9 Law Enforcement Officers Act

This bill requires a State or local law enforcement agency that removes a dog used in law enforcement work from duty to reimburse an individual who, under a written agreement with the law enforcement agency, takes possession of the dog by October 1, 2015, for reasonable and necessary veterinary treatment provided to the dog. Reimbursement (1) may only be for usual and customary veterinary treatment that is not attributable to abuse or neglect of the dog and is verified by written receipt and (2) may not exceed \$2,500 during a calendar year and \$10,000 over the life of the dog. A State law enforcement agency may accept public donations to meet the bill’s requirements and must hold the donations in a separate account that is not subject to appropriation by the Governor. A local law enforcement agency may establish a separate fund to accept and manage public donations in order to meet the bill’s requirements.

Fiscal Summary

State Effect: Under one set of assumptions, general/special fund expenditures increase by as much as \$15,000 in FY 2016 for reimbursements to individuals for authorized veterinary treatment. Future year expenditures reflect an increase in reimbursements until FY 2019, when the number of additional dogs that retire is estimated to be the same as the number of dogs that die. Special fund revenues from public donations may increase minimally, but any such increase cannot be reliably estimated; to the extent donations are not sufficient to cover costs, it is assumed that general funds are needed.

(in dollars)	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
SF Revenue	-	-	-	-	-
GF/SF Exp.	\$15,000	\$30,000	\$45,000	\$60,000	\$60,000
Net Effect	(\$15,000)	(\$30,000)	(\$45,000)	(\$60,000)	(\$60,000)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Local expenditures increase to reimburse individuals for authorized veterinary treatment. Costs vary by jurisdiction, as discussed below. Local revenues may increase due to any donations received. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: Minimal or none.

Analysis

Current Law: Each publicly owned dog used for law enforcement work by the State or a local jurisdiction must have a license issued by the Department of State Police (DSP). There is no license fee. A license must be issued on the form provided by DSP and to the law enforcement officer to whom the licensed dog is assigned. Each license must (1) be dated and numbered; (2) state the law enforcement agency to which the dog belongs; and (3) describe the dog that is licensed. DSP must provide with each license a metal tag that is stamped “Department of State Police” and bears the license number of the dog. The tag must be affixed to a substantial collar to be provided by the law enforcement agency to which the dog belongs.

A license is valid for all dog licensing purposes anywhere in the State and is in effect until the earlier of (1) revocation of the license by DSP or (2) removal of the licensed dog from law enforcement work.

Background: The primary mission of DSP’s canine unit is to provide DSP and other police departments specialized canine support to assist them in their mission of protecting both the life and property of the citizens of the State of Maryland. This is achieved by advancing the primary purpose of the police service canine, which is to “locate and indicate” whether it be for narcotics, explosives, or people wanted for either criminal acts or those reported missing. The Governor’s proposed fiscal 2016 budget includes \$40,000 for veterinary services for canine units at the support services bureau of DSP and \$600 for these expenses in the State Fire Marshal’s office.

The Department of Natural Resources (Natural Resources Police) has five canines, with plans to acquire one more by July 1, 2016. The Governor’s proposed fiscal 2016 budget includes \$6,000 for veterinary services for these dogs.

Numerous local jurisdictions also operate canine units.

DSP is responsible for maintaining a registry of all publicly owned dogs used for law enforcement by State or local government agencies. Licensing and registration is done online. The license terminates upon the death of the dog, retirement from service, or

transfer to another agency. Upon reassignment of a handler and/or the assignment of the canine to a new handler, the new handler or agency is required to notify DSP.

The number of new State and local law enforcement dog licenses issued each year by DSP since calendar 2010 is shown in **Exhibit 1**. Data on the number of dogs retired per year is not available.

Exhibit 1
Licenses Issued by DSP
Calendar 2010-2015

	<u>New Licenses Issued</u>
2010	7
2011	93
2012	91
2013	82
2014	47
2015	16
Total	336

Source: Department of State Police

State Fiscal Effect: DSP reports that the average service life of a law enforcement dog is eight years, followed by an expected post-service life of four years. For DSP, on average, five dogs are retired annually. For each dog to which the bill applies, the maximum reimbursement is \$2,500 annually and \$10,000 over the life of the dog.

The total number of State-owned law enforcement dogs currently in service and expected to retire each year is unknown. However, assuming that the bill's requirements are applied prospectively only and do not apply to dogs already in retirement, if a total of six State-owned dogs are retired annually, maximum expenditures under the bill are shown in **Exhibit 2**.

Maximum costs are likely less in fiscal 2016 due to the bill's October 1, 2015 effective date.

Exhibit 2
Estimated Expenditures for Reimbursements Under the Bill

	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Number of Dogs Retired per Year	6	6	6	6	6
Cumulative Number of Dogs Retired	6	12	18	24	24
Maximum Reimbursements	\$15,000	\$30,000	\$45,000	\$60,000	\$60,000

Source: Department of Legislative Services

Actual reimbursements for veterinary expenses could vary in any given year and depend on several factors, including the number of dogs affected, the actual life span of each dog, and verified receipts for veterinary expenses. Assuming an average life span of four years for each dog after retirement, beginning in 2019, the number of dogs subject to the bill's requirements remains constant, as the anticipated number of additional dogs that retire is the same as the anticipated number of dogs that die. Also, the bill's cap on total reimbursements over the life of a dog (\$10,000) means that if the maximum annual reimbursement of \$2,500 each year is provided, even if a dog lives more than four years, the cap will have been reached.

If all State law enforcement dogs already retired are considered to be subject to the bill's requirements, maximum costs are higher.

The potential for public donations to be used to offset costs incurred under the bill cannot be reliably estimated. However, to the extent any donations are received, special fund revenues increase. In the absence of sufficient donations, it is assumed that reimbursements are paid with general funds.

Local Fiscal Effect: The bill's impact on local government expenditures likely varies by jurisdiction and depends on the number of dogs retired in any given year, the lifespan of affected dogs, and actual authorized veterinary treatments.

Montgomery County reports that the Montgomery County Police Department currently has 34 dogs in service and 12 retired dogs. If applied to all dogs currently retired, an initial maximum of \$30,000 in new costs could occur in fiscal 2016, with additional costs in future years.

Baltimore City reports that the bill could increase costs for the Baltimore City Police Department by \$15,000 annually, assuming the retirement of six dogs in fiscal 2016. However, Baltimore City also reported the same annual costs through fiscal 2020.

Howard County estimates annual costs under the bill at \$10,000.

The City of Takoma Park reports that it has three law enforcement dogs currently in service and one retired dog, and is considering the addition of another dog to its force. The city estimates potential costs of \$12,500 annually.

The potential for public donations to be used to offset costs cannot be reliably estimated.

Additional Comments: Because the bill authorizes a State law enforcement agency to accept public donations to meet the bill's requirements and requires that such donations be held in a separate account, it is assumed that any donations received under the bill are treated as special fund revenues.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Cities of Bowie and Takoma Park, Baltimore City, Howard and Montgomery counties, Department of State Police, Department of Legislative Services

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