

Department of Legislative Services  
Maryland General Assembly  
2015 Session

FISCAL AND POLICY NOTE

House Bill 956  
Judiciary

(Delegate Carr, *et al.*)

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**Criminal Law - Leaving Dogs Outside and Unattended - Prohibition**

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This bill alters statutory prohibitions on leaving a dog outside and unattended. The bill repeals the existing prohibition and instead, prohibits a person from leaving a dog outside and unattended (1) for more than two hours in a 24-hour period; (2) without access to suitable and sufficient clean water and appropriate shelter; (3) in unsafe or unsanitary conditions; (4) in a pen or enclosure that is less than 100 square feet; or (5) by use of a restraint that unreasonably limits the dog's movement, does not use a properly fitted "harness," does not meet specified length requirements, weighs more than one-eighth of the dog's body weight, does not have a swivel attachment at each end, or causes injury to the dog.

As under existing statute, violators are guilty of a misdemeanor, punishable by imprisonment for up to 90 days and/or a \$1,000 maximum fine.

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**Fiscal Summary**

**State Effect:** Minimal increase in general fund revenues and expenditures due to the bill's penalty provisions if the bill's increased specificity regarding these types of violations increases the number of convictions for this offense.

**Local Effect:** Minimal increase in local expenditures due to the bill's incarceration penalty. Revenues are not affected.

**Small Business Effect:** None.

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## Analysis

**Bill Summary:** A “harness” is a strap made of nylon, leather, cloth or similar material specifically designed to be used around the shoulders and chest of a dog.

**Current Law:** A person may not leave a dog outside and unattended by use of a “restraint”:

- that unreasonably limits the movement of the dog;
- that uses a “collar” that is made primarily of metal or is not at least as large as the circumference of the dog’s neck plus one inch;
- that restricts the access of the dog to suitable and sufficient clean water or appropriate shelter;
- in unsafe or unsanitary conditions; or
- that causes injury to the dog.

Violators are guilty of a misdemeanor, punishable by imprisonment for up to 90 days and/or a \$1,000 maximum fine.

“Collar” is defined as a device constructed of nylon, leather, or similar material specifically designed to be used around the neck of a dog. “Restraint” means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

**State Revenues:** General fund revenues increase minimally as a result of the bill’s monetary penalty provision from cases heard in the District Court.

**State Expenditures:** General fund expenditures increase minimally as a result of the bill’s incarceration penalty due to more people being committed to State correctional facilities for convictions in Baltimore City. The number of people convicted of this proposed crime is expected to be minimal.

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

**Local Expenditures:** Expenditures increase as a result of the bill’s incarceration penalty. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. Per diem operating costs of local detention facilities have ranged from approximately \$60 to \$160 per inmate in recent years.

Kent, Montgomery, Washington, and Worcester counties advise that they do not foresee a fiscal impact from the bill.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Kent, Montgomery, Washington, and Worcester counties; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Legislative Services

**Fiscal Note History:** First Reader - March 2, 2015  
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Analysis by: Amy A. Devadas

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510