

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 127

(Senator Reilly)

Judicial Proceedings

Vehicle Laws – Cats and Dogs Left Unattended – Authorized Removal

This bill removes restrictions on the general public from using reasonable force to remove a cat or dog left unattended in a standing or parked motor vehicle in a manner that endangers the animal's health or safety. An individual who uses reasonable force under the bill must (1) reasonably believe that the cat or dog is in imminent danger; (2) contact a law enforcement agency, a fire department, or 9-1-1 prior to using force to remove the cat or dog; (3) leave written notice in the vehicle, as specified; and (4) remain with the cat or dog in a safe location until arrival of law enforcement or the fire department. Immunity from civil liability for any damages that directly result from the removal is extended to a person who acts to rescue a cat or dog from an unattended standing or parked motor vehicle.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: Any change in local government operations can be handled with existing resources.

Small Business Effect: None.

Analysis

Bill Summary: The written notice required under the bill must include:

- the person's name and contact information;
- the reason for entering the motor vehicle; and

- information regarding the law enforcement agency, fire department, or 9-1-1 specialist that has been contacted.

Current Law: A person may not leave a cat or dog unattended in a standing or parked motor vehicle in a manner that endangers the health or safety of the cat or dog. A person that violates this law is guilty of a misdemeanor and subject to a maximum fine of \$500. The prepayment penalty established by the District Court for this offense is \$70.

Reasonable force may be used by specified persons to remove a cat or dog left unattended inside a motor vehicle in violation of the law, as follows: (1) a law enforcement officer; (2) a public safety employee of the State or a local government; (3) a State or local animal control officer; (4) an officer of a State-incorporated society or association for the prevention of cruelty to animals who is authorized to make arrests; or (5) a fire and rescue service professional or volunteer.

A person is prohibited from using force of any kind to remove a dog used by the State or a local government for police work or a cat or dog in the custody of an animal control officer.

Additional Information

Prior Introductions: HB 679 of 2016, a similar bill, received an unfavorable report from the House Environment and Transportation Committee. In addition, SB 36 of 2016, a bill with a similar purpose, received an unfavorable report from the Senate Judicial Proceedings Committee.

Cross File: None.

Information Source(s): Harford and Montgomery counties; Department of State Police; Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - January 17, 2020
mr/ljm

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