
By: **Delegates Boutin, Barkley, Billings, Branch, Bronrott, Cane, C. Davis,
Dewberry, Dobson, Dypski, Elliott, Frush, Fulton, Hammen, Harrison,
Hecht, Hubbard, V. Jones, Kirk, Klausmeier, Krysiak, Morhaim,
Nathan-Pulliam, Oaks, Paige, and Stull**

Introduced and read first time: February 5, 2001
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Pit Bulls - Ban**

3 FOR the purpose of prohibiting a person from owning, possessing, or harboring a pit
4 bull in the State; providing a certain exception to the prohibition; authorizing an
5 animal control officer to seize a pit bull found in the State except under a certain
6 circumstance; requiring the owner or custodian of a dog be notified of the
7 seizure; requiring certain methods of notification; authorizing the owner or
8 custodian of the dog to file a petition for the return of the dog within a certain
9 time period in a certain court; requiring the petition to make certain allegations;
10 requiring that the dog be destroyed under certain circumstances; providing a
11 certain penalty for a person who owns, possesses, or harbors a pit bull; defining
12 a certain term; requiring that any pit bull in the possession of certain entities on
13 the effective date of this Act be removed from the State or be destroyed;
14 providing for the application of this Act; and generally relating to a ban on dogs
15 defined as pit bulls.

16 BY adding to
17 Article 27 - Crimes and Punishments
18 Section 70F
19 Annotated Code of Maryland
20 (1996 Replacement Volume and 2000 Supplement)

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

23 **Article 27 - Crimes and Punishments**

24 70F.

25 (A) IN THIS SECTION, "PIT BULL" MEANS:

26 (1) ANY OF THE FOLLOWING BREEDS OF DOG:

1 (I) AMERICAN BULLDOG;

2 (II) AMERICAN PIT BULL TERRIER;

3 (III) AMERICAN STAFFORDSHIRE TERRIER; AND

4 (IV) STAFFORDSHIRE BULL TERRIER; OR

5 (2) ANY DOG OF MIXED BREED THAT EXHIBITS THE PHYSICAL
6 CHARACTERISTICS OF A BREED OF DOG IN ITEM (1) OF THIS SUBSECTION MORE THAN
7 ANY OTHER BREED.

8 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
9 PERSON MAY NOT OWN, POSSESS, OR HARBOR A PIT BULL IN THE STATE.

10 (2) THIS SECTION DOES NOT APPLY TO A PERSON TRANSPORTING A PIT
11 BULL THROUGH THE STATE.

12 (C) AN ANIMAL CONTROL OFFICER UNDER THE JURISDICTION OF THE STATE
13 OR A LOCAL GOVERNING BODY SHALL SEIZE A PIT BULL FOUND IN THE STATE
14 PROVIDED THAT THE OWNER CANNOT PROVE AT THE TIME OF SEIZURE THAT THE
15 DOG IS LEGALLY IN THE STATE.

16 (D) (1) THE OWNER OR CUSTODIAN OF THE DOG SHALL BE PROMPTLY
17 NOTIFIED OF THE SEIZURE OF THE DOG.

18 (2) NOTICE REQUIRED BY THIS SUBSECTION SHALL BE MADE BY:

19 (I) PERSONAL DELIVERY TO THE OWNER OR CUSTODIAN; OR

20 (II) FIRST-CLASS MAIL.

21 (E) (1) THE OWNER OR CUSTODIAN OF THE PIT BULL MAY, WITHIN 10 DAYS
22 OF THE SEIZURE OF THE DOG, FILE A PETITION FOR THE RETURN OF THE DOG IN
23 THE DISTRICT COURT OF THE COUNTY IN WHICH THE SEIZURE OCCURRED.

24 (2) THE PETITION SHALL ALLEGE THAT:

25 (I) THE DOG IS LEGALLY IN THE STATE; OR

26 (II) THE DOG IS NOT A PIT BULL AS DEFINED IN SUBSECTION (A) OF
27 THIS SECTION.

28 (F) THE DOG SHALL BE DESTROYED IF:

29 (1) THE OWNER OR CUSTODIAN FAILS TO FILE A PETITION FOR THE
30 DOG'S RETURN; OR

31 (2) THE COURT FAILS TO GRANT THE RELIEF REQUESTED IN THE
32 PETITION FOR THE RETURN OF THE DOG.

1 (G) ANY PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
2 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000.

3 SECTION 2. AND BE IT FURTHER ENACTED, That custody or ownership of
4 any pit bull that is in the possession of an animal shelter, animal control facility, or
5 animal rescue and adoption organization on the effective date of this Act may not be
6 transferred to an owner within the State. Any pit bull in the custody or control of an
7 animal shelter, animal control facility, or animal rescue and adoption organization
8 must be either removed from the State or destroyed after the effective date of this Act.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be
10 construed only prospectively and may not be applied or interpreted to have any effect
11 on or application to any person who owns or possess a pit bull before the effective date
12 of this Act, provided that:

13 (1) the person can prove that ownership of the dog commenced prior to the
14 effective date of this Act;

15 (2) the person can prove that the dog has been spayed or neutered; and

16 (3) at the death of the dog the person does not obtain another pit bull.

17 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2001.