

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 567 (Delegate Boutin, *et al.*)
Judiciary

Crimes - Pit Bulls - Ban

This bill prohibits a person from owning, possessing, or harboring a pit bull in the State. Any person who violates the bill's provisions is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5,000.

Fiscal Summary

State Effect: General fund revenues could increase under the bill's monetary penalty provisions for those cases heard in the District Court. Any additional workload for the District Court could be handled with existing resources.

Local Effect: Potential increase in local animal control expenditures. *This bill imposes a mandate on a unit of local government.*

Small Business Effect: Minimal.

Analysis

Bill Summary: A pit bull is defined as: (1) an American Bulldog; (2) an American Pit Bull Terrier; (3) an American Staffordshire Terrier; (4) a Staffordshire Bull Terrier; or (5) any dog of mixed breed that exhibits the physical characteristics of any of these breeds of dog more than the physical characteristics of any other breed.

A State or local government animal control officer must seize a pit bull found in the State provided that the owner cannot prove at the time of seizure that the dog is legally in the State. The owner or custodian of the dog must be promptly notified of the dog's seizure.

The owner or custodian may, within ten days of the dog's seizure, file a petition for the return of the dog in the District Court. The petition must allege that the dog is legally in the State or the dog is not a pit bull as defined by the bill. The dog must be destroyed if the owner or custodian fails to file a petition for the dog's return or the court fails to grant the relief requested in the petition for the dog's return.

A pit bull that is in the possession of an animal shelter, animal control facility, or animal rescue and adoption organization on October 1, 2001 cannot be transferred to an owner within the State. The pit bull must be either removed from the State or destroyed after October 1, 2001.

The bill's provisions are to be construed only prospectively and cannot be applied or interpreted to have any effect on or application to any person who owns or possesses a pit bull before October 1, 2001, provided that: (1) the person can prove ownership of the dog began prior to October 1, 2001; (2) the person can prove that the dog has been spayed or neutered; and (3) at the death of the dog, the person does not obtain another pit bull.

Current Law: Prince George's County currently bans pit bulls. Pit bulls born in Prince George's County after February 3, 1997 are illegal and must be removed from the county. Pit bulls in Prince George's County born before February 3, 1997 must be registered with Prince George's County Animal Management Division and have a current Prince George's County dog license and a valid rabies vaccination.

Background: In 1994 an estimated 4.7 million persons (1.8% of the U.S. population) sustained a dog bite. Of these, approximately 800,000 (0.3%) sought medical care for the bite. During 1995-1996, 25 persons died as the result of dog attacks (11 in 1995 and 14 in 1996). Of the 25 dog-bite related fatalities, 16 involved a dog on the owner's property.

Various local jurisdictions around the nation have enacted or are considering breed-specific legislation banning certain types of dogs. On the other hand, some states have passed preemption laws that prohibit local jurisdictions within the state from passing breed-specific ordinances. Twelve states currently have preemption clauses, including: California, Florida, Illinois, Maine, Minnesota, New Jersey, New York, Oklahoma, Pennsylvania, Rhode Island, Texas, and Virginia.

Local Fiscal Effect: The bill would require all local government animal control officers to: (1) seize a pit bull found in the State; (2) house the pit bull until determinations of breed and legality are made in the District Court; and (3) destroy the dog if it is determined to be an illegal pit bull. Local government expenditures would vary throughout the State. In Prince George's County, where a pit bull ban is already in place, the bill's requirements could be handled with existing resources. Anne Arundel County

advises that it would be required to hire two additional animal control officers and purchase two additional animal control vans at a cost of \$116,200 in fiscal 2002 to fulfill the bill's requirements. Montgomery County advises that expenditures would increase; however, there are insufficient data at this time on the number of pit bulls and owners that would be affected to determine the extent of any increase. Garrett County advises that its expenditures would not be affected.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): *Dog-Bite Related Fatalities – United States, 1995-1996 (May 30, 1997)*, Centers for Disease Control and Prevention; *Breeds of Dogs Involved in Fatal Human Attacks in the U.S. between 1979 and 1998 (September 15, 2000)*, Vet Med Today; Montgomery County; Garrett County; Prince George's County; Anne Arundel County; Judiciary (Administrative Office of the Courts); Department of Health and Mental Hygiene (Community Public Health Administration); Department of Legislative Services

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