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By: **Delegates Boutin, Barve, Burns, Fulton, Kirk, Marriott,  
Nathan-Pulliam, Pitkin, and Rosso**

Introduced and read first time: February 1, 2002

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Dogs and Dangerous Dogs - Owner Responsibilities**

3 FOR the purpose of altering the definition of "dangerous dog" to include a dog that  
4 inflicts an injury on a person; requiring a dog owner to be given certain  
5 notification if a certain determination is made that the owner's dog is  
6 potentially dangerous; requiring certain dogs to be under the control of an adult;  
7 requiring a dog owner, who receives a certain notice that the owner's dog is  
8 potentially dangerous, to enroll the dog in and attend a certain obedience class;  
9 requiring that a certification of attendance be obtained from a certain obedience  
10 class and be provided to a certain authority; requiring that a person who owns a  
11 certain dog have the dog spayed or neutered within a certain period; requiring a  
12 person who owns a certain dog to have a microchip implanted in the dog;  
13 prohibiting a person from tying or tethering a dog to a stationary object for a  
14 certain period of time or in a certain location; providing that certain provisions  
15 do not limit the authority of a county or municipal corporation to regulate  
16 dangerous dogs subject to certain limitations; creating certain penalties;  
17 defining certain terms; making certain conforming changes; and generally  
18 relating to dogs and dangerous dogs and owner responsibilities.

19 BY repealing and reenacting, with amendments,  
20 Article - Criminal Law  
21 Section 10-619  
22 Annotated Code of Maryland  
23 (As enacted by Chapter \_\_\_\_ (H.B. 11) of the Acts of the General Assembly of  
24 2002)

25 BY adding to  
26 Article - Criminal Law  
27 Section 10-623  
28 Annotated Code of Maryland  
29 (As enacted by Chapter \_\_\_\_ (H.B. 11) of the Acts of the General Assembly of  
30 2002)

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

3 **Article - Criminal Law**

4 10-619.

5 (a) (1) In this section the following words have the meanings indicated.

6 (2) "Dangerous dog" means a dog that:

7 (i) without provocation has killed or inflicted [severe] AN injury  
8 on a person; or

9 (ii) is determined by the appropriate unit of a county or municipal  
10 corporation under subsection (c) of this section to be a potentially dangerous dog and,  
11 after the determination is made:

12 1. bites a person;

13 2. when not on its owner's real property, kills or inflicts  
14 severe injury on a domestic animal; or

15 3. attacks without provocation.

16 (3) "MICROCHIP" MEANS A SMALL CHIP INSERTED INTO OR UNDER AN  
17 ANIMAL'S SKIN THAT:

18 (I) CAN BE READ BY A SPECIAL SCANNER; AND

19 (II) CONTAINS A CODE UNIQUE TO THAT ANIMAL THAT IDENTIFIES  
20 THE OWNER OF THE ANIMAL.

21 (4) (i) "Owner's real property" means real property owned or leased by  
22 the owner of a dog.

23 (ii) "Owner's real property" does not include a public right-of-way  
24 or a common area of a condominium, apartment complex, or townhouse development.

25 [(4) "Severe injury" means a physical injury that results in broken bones  
26 or disfiguring lacerations requiring multiple sutures or cosmetic surgery.]

27 (b) This section does not apply to a dog owned by and working for a  
28 governmental or law enforcement unit.

29 (c) An appropriate unit of a county or municipal corporation may determine  
30 that a dog is potentially dangerous if the unit:

31 (1) finds that the dog:

1 (i) has inflicted a bite on a person while on public or private real  
2 property;

3 (ii) when not on its owner's real property, has killed or inflicted  
4 severe injury on a domestic animal; or

5 (iii) has attacked without provocation; and

6 (2) notifies the dog owner in writing of the reasons for this determination  
7 AND THE RESTRICTIONS, RESPONSIBILITIES, AND POTENTIAL PENALTIES TO WHICH  
8 THE DOG OWNER MAY BE SUBJECT AS A RESULT OF THIS DETERMINATION.

9 (d) A dog owner may not:

10 (1) leave a dangerous dog unattended on the owner's real property  
11 unless the dog is:

12 (i) confined indoors;

13 (ii) in a securely enclosed and locked pen; or

14 (iii) in another structure designed to restrain the dog; or

15 (2) allow a dangerous dog to leave the owner's real property unless:

16 (I) the dog is leashed and [muzzled,] MUZZLED; or

17 (II) is otherwise securely restrained AND UNDER THE CONTROL OF  
18 AN ADULT.

19 (e) An owner of a dangerous dog or potentially dangerous dog who sells or  
20 gives the dog to another shall notify in writing:

21 (1) the authority that made the determination under subsection (c) of  
22 this section, of the name and address of the new owner of the dog; and

23 (2) the person taking possession of the dog, of the dangerous behavior or  
24 potentially dangerous behavior of the dog.

25 (f) AN OWNER OF A POTENTIALLY DANGEROUS DOG WHO RECEIVES NOTICE  
26 OF A DETERMINATION UNDER SUBSECTION (C) OF THIS SECTION SHALL:

27 (1) ENROLL THE DOG IN AND SHALL ATTEND A DOG OBEDIENCE CLASS  
28 OR OTHER SIMILAR PROGRAM APPROVED BY THE AUTHORITY THAT MADE THE  
29 DETERMINATION;

30 (2) OBTAIN CERTIFICATION OF ATTENDANCE FROM THE OBEDIENCE  
31 CLASS OR OTHER SIMILAR PROGRAM; AND

32 (3) PROVIDE THE CERTIFICATION TO THE AUTHORITY THAT MADE THE  
33 DETERMINATION.

1 (G) AN OWNER OF A DANGEROUS DOG OR A DOG THAT HAS BEEN  
2 DETERMINED TO BE POTENTIALLY DANGEROUS UNDER SUBSECTION (C) OF THIS  
3 SECTION SHALL, WITHIN 30 DAYS AFTER BECOMING AWARE OF THE DOG'S STATUS:

4 (1) HAVE THE DOG SPAYED OR NEUTERED; AND

5 (2) HAVE A MICROCHIP IMPLANTED IN THE DOG.

6 (H) A person who violates this section is guilty of a misdemeanor and on  
7 conviction is subject to a fine not exceeding \$2,500.

8 (I) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS  
9 SECTION DOES NOT LIMIT THE AUTHORITY OF A COUNTY OR MUNICIPAL  
10 CORPORATION TO REGULATE THE OWNERSHIP OR POSSESSION OF DANGEROUS  
11 DOGS.

12 (2) A COUNTY OR MUNICIPAL CORPORATION MAY NOT REGULATE  
13 DANGEROUS DOGS IN A MANNER THAT IS SPECIFIC TO BREED.

14 10-623.

15 (A) A PERSON MAY NOT TIE OR TETHER A DOG TO A STATIONARY OBJECT IN A  
16 LOCATION THAT CREATES AN UNHEALTHY SITUATION FOR THE DOG OR A  
17 POTENTIAL DANGER TO A PEDESTRIAN.

18 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
19 AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING:

20 (1) \$500 FOR A FIRST VIOLATION; AND

21 (2) \$2,000 FOR EACH SUBSEQUENT VIOLATION.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2002.