

Department of Legislative Services

Maryland General Assembly

2002 Session

FISCAL NOTE

House Bill 221

(Delegates Zirkin and Kach)

Judiciary

Injury to or Death of Pet - Noneconomic Damages

This bill provides that a person who tortiously injures or causes the death of a pet is liable to the pet's owner for noneconomic damages of up to \$25,000, if the person acted intentionally. Noneconomic damages include mental anguish, emotional pain and suffering, loss of companionship, comfort, and protection. The bill applies to causes of action that arise on or after the bill's October 1, 2002 effective date.

Fiscal Summary

State Effect: None. Any additional lawsuits filed as a result of the bill's provisions could be handled within existing Judiciary resources. No effect on revenues.

Local Effect: Any additional lawsuits filed as a result of the bill's provisions could be handled within existing circuit court resources. No effect on revenues.

Small Business Effect: Minimal or none.

Analysis

Current Law: The measure of damages for tortious injuries to or death of a pet is the market value of the pet before injury or death, or the reasonable cost of veterinary care, but not more than \$5,000.

Background: Chapters 592 and 593 of 2001 created the felony of "aggravated cruelty to animals," which includes intentionally mutilating, torturing, cruelly beating, or cruelly killing an animal. Previously, all forms of animal abuse were misdemeanors. Many

other states have passed laws creating felonies for the intentional injury or killing of a companion animal, indicating a national trend toward regarding the intentional injury or killing of animals as a serious offense against society.

While a survey of laws tracked by the Humane Society of the United States and the American Veterinary Medical Law Association did not show a national trend toward recognition of noneconomic damages for intentional destruction of pets, there has been recent activity in that regard in some states. In 1999, Idaho enacted civil penalties for the trespassing and killing of certain animals and trespassing with the intent to kill certain animals. In 2000, Utah established a cause of action for the injury, death, or theft of a service animal. In the same year, Tennessee enacted a law allowing an award of noneconomic damages not exceeding \$4,000 to a person whose pet is fatally injured or killed due to the intentional or negligent actions of people or other animals. In 2001, the Kentucky Court of Appeals ruled, in *Burgess v. Taylor*, that noneconomic damages for the intentional destruction of companion animals were permissible. On the federal level, the 3rd Circuit Court of Appeals recently ruled that noneconomic damages for the wrongful death of a pet were permissible under Pennsylvania law.

Additional Information

Prior Introductions: A similar bill was introduced in the 2001 session as HB 907. It received an unfavorable report from the Judiciary Committee.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Humane Society of the United States, American Veterinary Medical Law Association, State Bar of Michigan (Animal Law Section), Kentucky Court of Appeals, Department of Legislative Services

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