

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 562

(Delegate Boutin, *et al.*)

Judiciary

Criminal Law - Dogs and Dangerous Dogs - Owner Responsibilities

This bill makes various changes to criminal law provisions applicable to owners of dangerous and potentially dangerous dogs.

Fiscal Summary

State Effect: Minimal increase in general fund revenues due to the bill's penalty provisions.

Local Effect: It is expected that local governments could handle the bill's requirements using existing budgeted resources.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: The bill expands the definition of "dangerous dog" by repealing the requirement that an injury that the dog inflicted on a person be severe. A county government or municipal corporation that determines a dog to be potentially dangerous must notify the dog owner in writing of the restrictions, responsibilities, and potential penalties to which the dog owner may be subject as a result of the determination. The bill also provides that an owner may not allow a dangerous dog to leave the owner's property unless the dog is leashed and muzzled or otherwise under control of an adult. A dog owner who receives written notice that the dog has been determined to be potentially dangerous is required to enroll the dog in and attend an approved obedience class and provide certification to the local jurisdiction. Within 30 days of becoming aware of the

dog's potentially dangerous status, the owner must have the dog spayed or neutered and implant an identification microchip.

A person who violates any of these provisions is guilty of a misdemeanor and may receive a maximum fine of \$2,500.

The bill prohibits local jurisdictions from regulating dogs specifically by breed, but otherwise does not limit a local jurisdiction's authority to regulate the possession of dangerous dogs.

The bill also provides that a person may not tether a dog to a stationary object in a way that is unhealthy for the dog or dangerous to a pedestrian. A violation is a misdemeanor. A first offender is subject to a maximum fine of \$500 and subsequent offenders are subject to a maximum fine of \$2,000.

Current Law: "Dangerous dog" is defined as a dog that has killed or inflicted a severe injury on a person without provocation. Alternatively, a dangerous dog is one determined by a county government or municipal corporation to be potentially dangerous and subsequently bites a person, kills or inflicts severe injury on a domestic animal when the dog is not on the owner's real property, or attacks without provocation.

A local jurisdiction may determine that a dog is potentially dangerous if the owner is notified in writing of the reasons for the determination. A dangerous dog may not be unattended on the owner's real property unless the dog is indoors, in a securely closed and locked pen, or other appropriate structure. A dangerous dog may not leave an owner's property unless the dog is leashed and muzzled or otherwise securely restrained. A person who violates these provisions is guilty of a misdemeanor and may receive a maximum fine of \$2,500.

Background: According to the Humane Society of the United States (HSUS), "chaining" and "tethering" of animals is commonly understood to mean fastening an animal to a stationary object or pole, usually in the owner's backyard. It does not refer to periods when an animal is walked on a leash. HSUS states that long periods of chaining or tethering can cause psychological damage to animals and danger to humans. If an animal must be chained or tethered, it should be done in such a way to prevent the animal's entanglement with other objects. Animals should be able to lie down and move about while tethered. HSUS is aware of nine local communities in the states of Arizona, Arkansas, California, Florida, Kentucky, Missouri, Oklahoma, and Texas that have enacted ordinances or local regulations restricting or prohibiting the chaining or tethering of animals.

State Fiscal Effect: General fund revenues could increase minimally as a result of the bill's monetary penalty provisions from cases heard in the District Court. The bill is not expected to materially affect State operations or expenditures.

Small Business Effect: This bill could minimally increase revenue for obedience class businesses and veterinarians who would be asked to implant identification microchips in potentially dangerous dogs.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): City of Rockville, Montgomery County, Prince George's County, Caroline County, Howard County, Baltimore City, Humane Society of the United States, Department of Legislative Services

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