

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 432
Judiciary

(Delegate Boutin)

Public Safety - Task Force on Dangerous Dogs in Maryland

This bill establishes a Task Force on Dangerous Dogs in Maryland. The task force is charged with studying: (1) the available information on the danger to the health and safety of residents from dangerous dogs; and (2) the efficacy of current State and local laws and ordinances regulating control of dangerous dogs. The task force is required to make legislative recommendations and prepare a report summarizing its findings and recommendations to the General Assembly by December 31, 2005. The Department of Agriculture is required to staff the task force.

The bill terminates on December 31, 2005.

Fiscal Summary

State Effect: Any expense reimbursements for task force members are assumed to be minimal and absorbable with existing resources. Staffing can be provided with existing resources.

Local Effect: Minimal. The bill calls for three representatives from local governments to serve on the task force.

Small Business Effect: Minimal.

Analysis

Current Law: County governments have responsibility for the licensing of dogs, recording of licenses, and enforcement of licensing provisions. The grant of authority varies depending on the county. For some counties, specifications regarding the terms,

licensing forms, and licensing fees are set in statute, while other counties have authority to determine some or all of those provisions. Unless otherwise provided, counties are authorized to delegate by written contract dog licensing enforcement and administration duties to any organization, association, or municipal corporation. However, the written contract must contain a right of cancellation by the county government on 30 days notice if cancellation is without cause or without previous notice if cancellation is for stated cause.

For those counties that enforce the dog licensing provisions set forth in statute, any person found violating or refusing to comply is guilty of a misdemeanor and is subject to a fine of at least \$5, but not more than \$25, or imprisonment in the county jail for up to 30 days, or both. In Calvert County, the fine is \$50 or 60 days imprisonment. The State's Attorney and the county sheriffs must prosecute all persons found violating dog licensing provisions.

A "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: Most states authorize local governments to adopt local laws or ordinances that restrict specific breeds of dogs regarded as dangerous. According to Pit Bull Central, an advocacy organization that tracks breed-specific legislation in states, the dog most subject to restrictions is a type of dog commonly referred to as the "pit bull."

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Agriculture, Pit Bull Central, American Dog Owners Association, Department of Legislative Services

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mh/jr

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