

**Department of Legislative Services**  
Maryland General Assembly  
2004 Session

**FISCAL AND POLICY NOTE**

House Bill 78 (Delegate Impallaria)  
(By Request)

Environmental Matters

---

**Local Government - Potentially Dangerous and Vicious Dogs - Breed-Specific  
Regulation Prohibited**

---

This bill preempts the authority of counties to provide by local ordinance or law for the regulation of potentially dangerous or vicious dogs in a breed-specific manner.

---

**Fiscal Summary**

**State Effect:** None. This bill is not expected to substantively affect State finances or operations.

**Local Effect:** None. The bill's requirements are not expected to directly affect local finances.

**Small Business Effect:** None.

---

**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 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." Twelve states preempt local authority to ban ownership of certain dogs based on breed. New York is the most recent state to enact such legislation. Other states that have enacted prohibitions against breed-specific legislation include California, New Jersey, Pennsylvania, and Virginia.

---

### **Additional Information**

**Prior Introductions:** None. However, HB 562 from the 2002 session contained similar provisions. HB 562 was referred to the Judiciary Committee, where it received an unfavorable report.

**Cross File:** None.

**Information Source(s):** Somerset County, Montgomery County, Prince George's County, Charles County, Baltimore County, Frederick County, Pit Bull Central, American Dog Owners Association, Department of Legislative Services

**Fiscal Note History:** First Reader - January 26, 2004  
mh/ljm

---

Analysis by: Karen D. Morgan

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510