

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 905

(Washington County Delegation)

Environmental Matters

Education, Health, and Environmental
Affairs

Washington County Animal Control Ordinance - Violations

This bill provides that a violation of the Washington County animal control ordinance is a misdemeanor, and a violator is subject to a fine of up to \$1,000, imprisonment for up to 30 days, or both for each offense.

Fiscal Summary

State Effect: Potential minimal increase in operational expenditures for the District Court. It is assumed, however, that the number of cases would be minimal and any expenditure would be absorbable within existing resources.

Local Effect: Potential minimal increase in Washington County revenues and expenditures due to the bill's penalty provision.

Small Business Effect: None.

Analysis

Bill Summary: The bill defines an "animal control officer" in Washington County as a county employee or contract employee hired by the county commissioners who is authorized to provide animal control services, and to issue citations for violations of animal control ordinances in Washington County. The bill authorizes the animal control officer to issue citations for violations, and provides that an individual has the right to elect to stand trial in District Court for the violation. A violation must be prosecuted in the same manner as a municipal infraction, and all fines, penalties, and forfeitures collected by the District Court for these violations must be remitted to the county. In

addition, the county commissioners may also establish a schedule of additional fines for each violation and adopt procedures for the collection of the fines.

Current Law: Chapter 192 of 2003 authorized the Washington County Commissioners to adopt an animal control ordinance that creates a quasi-judicial deliberative animal control authority. The animal control authority must hold public hearings to decide citations, complaints, and other controversies arising under the animal control ordinance other than those filed with the District Court of Maryland for Washington County. The authority is also required to adopt rules and regulations for the governance of its hearings and designate an appropriate private agency or department of county government to enforce the ordinance. Additionally, the animal control ordinance is to provide penalties for violations of the ordinance.

State Fiscal Effect: Potential minimal increase in operational expenditures for the District Court. The precise fiscal impact cannot be reliably quantified at this time, as it would depend on the number of cases which would be adjudicated by the District Court. It is assumed, however, that the number of cases that would be adjudicated by the District Court would be minimal, and expenditures incurred could be absorbed within existing resources. However, a significant increase in caseload might require additional clerical staff.

Local Fiscal Effect: Expenditures could increase minimally as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration for people in their facilities for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities in Washington County are expected to be approximately \$50 per inmate in fiscal 2006. Any increase in fine revenue for the county is expected to be minimal as Washington County already imposes fines for violations of their animal control ordinance.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Washington County, Department of Legislative Services

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n/hlb

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