

**Department of Legislative Services**  
Maryland General Assembly  
2006 Session

**FISCAL AND POLICY NOTE**  
**Revised**

Senate Bill 921

(Senator Stone)

Judicial Proceedings

Judiciary

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**Crimes - Leaving Dogs Outside and Unattended by Use of Restraint - Penalties**

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This bill prohibits a person from leaving a dog outside and unattended by use of a “restraint.”

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund revenues and expenditures due to the bill’s penalty provisions.

**Local Effect:** Potential minimal increase in expenditures due to the bill’s incarceration provision.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** A restraint is defined as a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or pulley run.

The prohibition applies to the use of a restraint:

- between the hours of 12 midnight and 5 a.m., unless the person has an express waiver from the county or municipal corporation that licensed the dog;
- during a weather emergency;
- that unreasonably limits the dog’s movement;

- that allows the dog to become entangled on the restraint or another object;
- that limits the dog's access to suitable and sufficient food, clean water, and appropriate shelter;
- that keeps the dog in unsafe or unsanitary conditions; or
- that causes injury to the dog.

A violator is guilty of a misdemeanor and is subject to maximum penalties of imprisonment for 90 days and/or a fine of \$1,000.

**Current Law:** If a person has charge or custody of an animal as an owner or otherwise, the person is prohibited from unnecessarily failing to provide the animal with nutritious food in sufficient quantity, necessary veterinary care, proper drink, air, space, shelter, or protection from the weather. A person who violates this provision is guilty of a misdemeanor and is subject to maximum penalties of imprisonment for 90 days and/or a \$1,000 fine.

If an animal is impounded, yarded, or confined without necessary food, water, or proper attention, or is subject to cruelty or neglect, a law enforcement officer, other public official, a humane society agent or any invited and accompanying veterinarian may: (1) enter the place where the animal is located and supply the animal with sustenance and attention; or (2) remove the animal if necessary for the animal's health. A person who enters a place under these circumstances is not liable due to the entry. A person who removes an animal must notify the animal's owner or custodian of the removal and any administrative remedies that may be available. If no administrative remedy is available, then within 10 days of the removal, the owner or custodian may file a petition for return of the animal in the District Court of the county where the removal occurred.

**State Revenues:** General fund revenues could increase minimally as a result of the bill's monetary penalty provision from cases heard in the District Court.

**State Expenditures:** General fund expenditures could increase minimally as a result of the bill's incarceration penalty due to increased payments to counties for reimbursement of inmate costs and more people being committed to Division of Correction (DOC) facilities. The number of people convicted of this proposed crime is expected to be minimal.

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. State per diem reimbursements for fiscal 2007 are estimated to range from \$17 to

\$65 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in a DOC facility. Currently, the DOC average total cost per inmate, including overhead, is estimated at \$1,974 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. Excluding overhead, the average cost of housing a new DOC inmate (including medical care and variable costs) is \$341 per month.

**Local Expenditures:** Expenditures could increase as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration 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 are expected to range from \$33 to \$119 per inmate in fiscal 2007.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services, Department of Legislative Services

**Fiscal Note History:** First Reader - March 16, 2006  
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