

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 696

(Senator Stone, *et al.*)

Judicial Proceedings

Judiciary

Crimes - Leaving Dogs Outside and Unattended by Use of Restraints - Penalties

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

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues 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.

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 trolley system. A “collar” is a device made of nylon, leather, or similar material that is specifically designed to be used around a dog’s neck.

The prohibition applies to the use of a restraint:

- that unreasonably limits the dog’s movements;
- that uses a collar that (1) is made primarily of metal; or (2) is not at least as large as the circumference of the dog’s neck plus one inch;

- that restricts the dog's access to suitable and sufficient clean water or 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 90 days imprisonment and/or a \$1,000 fine. As a condition of sentencing, the court may order a defendant convicted of this offense to undergo and pay for psychological counseling.

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.

Background: Montgomery County advises that it imposes similar restrictions by regulation.

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.

Local Expenditures: Montgomery County reports that this bill would not have a fiscal impact on its operation. Kent County reports that an expenditure increase is likely due to increased enforcement. Estimated costs are \$10,000 for additional staff and operational costs. Washington County reports that the bill would require an additional \$40,000 in annual expenditures for administration, investigation, and enforcement.

Worcester County estimates that the bill would require additional prorated salary and overtime expenditures for an animal control officer, as well as additional travel,

veterinarian care, animal maintenance services, and training for deputies and animal control officers. Fiscal 2008 expenditures would be \$59,996, increasing in future years.

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 \$42 to \$120 per inmate in fiscal 2008.

Additional Information

Prior Introductions: This bill is similar to SB 921 of 2006, which passed the Senate, as amended, and was heard by the House Judiciary Committee, but received no further action.

Cross File: None.

Information Source(s): Washington County, Montgomery County, Prince George's County, Kent County, Worcester County, Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - March 12, 2007
mll/jr Revised - Senate Third Reader - March 28, 2007
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