

HOUSE BILL 1139

L2, E1

8lr2934

By: **Delegate Kullen**

Introduced and read first time: February 7, 2008

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2008

CHAPTER _____

1 AN ACT concerning

2 **Calvert County – Regulation and Protection of Animals** ~~**Animal Control**~~
3 ~~**Officers**~~

4 FOR the purpose of repealing a requirement that a dog warden and his deputies
5 enforce certain laws relating to the regulation of animals in Calvert County;
6 authorizing, in Calvert County, the sheriff or any deputy authorized by the
7 sheriff or an animal control officer appointed by the County Commissioners of
8 Calvert County or the County Commissioners' designee to enforce certain laws
9 relating to the regulation of animals; authorizing the sheriff, a deputy
10 authorized by the sheriff, or an animal control officer to issue a certain
11 summons; authorizing the County Commissioners of Calvert County to create
12 an Animal Matters Hearing Board to resolve certain disputes and controversies;
13 providing that the County Commissioners may authorize an Animal Matters
14 Hearing Board to issue certain subpoenas and assess and collect certain civil
15 penalties; repealing certain requirements relating to the appointment of a dog
16 warden by the County Commissioners of Calvert County; authorizing a certain
17 animal control officer in Calvert County to arrest and bring a person before the
18 District Court if the officer sees the person committing a misdemeanor that
19 involves cruelty to animals; and generally relating to ~~the enforcement of~~ laws
20 regulating and protecting animals in Calvert County ~~by animal control officers.~~

21 BY repealing and reenacting, with amendments,
22 Article 24 – Political Subdivisions – Miscellaneous Provisions
23 Section 11-504(a) ~~and~~ , (p), and (q)
24 Annotated Code of Maryland
25 (2005 Replacement Volume and 2007 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,
 2 Article – Criminal Law
 3 Section 10–609
 4 Annotated Code of Maryland
 5 (2002 Volume and 2007 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article 24 – Political Subdivisions – Miscellaneous Provisions**

9 11–504.

10 (a) (1) The sheriffs of the several counties, or any deputy authorized by
 11 him, shall enforce the provisions of this subtitle. The sheriffs and their duly
 12 authorized deputies may issue a summons to any person violating any provision of this
 13 subtitle.

14 (2) In [Calvert County and] Garrett County, the dog warden and his
 15 deputies have the duties imposed by this subsection.

16 (3) This section does not apply in Washington County.

17 (4) (I) **IN CALVERT COUNTY, THE PROVISIONS OF THIS**
 18 **SUBTITLE SHALL BE ENFORCED BY:**

19 **1. THE SHERIFF OR ANY DEPUTY AUTHORIZED BY**
 20 **THE SHERIFF; OR**

21 **2. AN ANIMAL CONTROL OFFICER APPOINTED BY**
 22 **THE COUNTY COMMISSIONERS OR THE COUNTY COMMISSIONERS’ DESIGNEE.**

23 (II) **IN CALVERT COUNTY, THE SHERIFF, A DEPUTY**
 24 **AUTHORIZED BY THE SHERIFF, OR AN ANIMAL CONTROL OFFICER MAY ISSUE A**
 25 **SUMMONS TO ANY PERSON VIOLATING ANY PROVISION OF THIS SUBTITLE.**

26 (p) (1) In addition to and not in substitution for any powers granted under
 27 this subtitle, the County Commissioners of Calvert County may by ordinance provide
 28 for the regulation, humane treatment, and keeping of domestic animals within Calvert
 29 County, including the authority to assess a penalty for a violation of a provision of an
 30 ordinance of imprisonment in the county jail not exceeding 30 days or a fine not
 31 exceeding \$1,000 or both.

32 (2) (I) **THE COUNTY COMMISSIONERS OF CALVERT COUNTY**
 33 **MAY CREATE AN ANIMAL MATTERS HEARING BOARD TO RESOLVE DISPUTES**

1 AND CONTROVERSIES ARISING UNDER THE ANIMAL CONTROL ORDINANCES
2 ADOPTED UNDER THIS SUBSECTION.

3 (II) THE COUNTY COMMISSIONERS MAY AUTHORIZE AN
4 ANIMAL MATTERS HEARING BOARD TO:

5 1. ISSUE A SUBPOENA TO COMPEL PARTIES IN A
6 DISPUTE TO APPEAR BEFORE THE BOARD;

7 2. ASSESS A CIVIL PENALTY NOT EXCEEDING \$1,000
8 FOR A VIOLATION OF AN ORDINANCE ADOPTED UNDER THIS SUBSECTION; AND

9 3. COLLECT A CIVIL PENALTY IMPOSED UNDER THIS
10 PARAGRAPH.

11 (q) (1) The provisions of this subsection only apply to Calvert County.

12 (2) [The County Commissioners shall appoint a dog warden and may
13 appoint deputy wardens. The dog warden and any deputies appointed shall serve at
14 the discretion of the County Commissioners and shall be paid whatever salary and
15 allowances for travel the Commissioners prescribe. Before entering upon the duties of
16 the office, the dog warden and any deputy dog wardens appointed shall give bond to
17 the State with good and sufficient surety, to be approved by the Commissioners, in
18 whatever penalty the Commissioners determine and conditioned on the faithful
19 performance of duties and proper accounting for all moneys and property received by
20 virtue of the position. The bond shall be in the form of a “public employee’s faithful
21 performance blanket bond” for the dog warden and all deputies, if possible. The
22 premiums shall be borne by Calvert County, and the bonds shall be filed with the
23 State Comptroller.

24 (3)] The County Commissioners may construct or lease, operate and
25 maintain a dog pound for and in Calvert County. The cost of the pound and of its
26 operation shall be borne by the county. In their discretion, the County Commissioners
27 may enter into agreements with adjacent counties for the establishment of a dog
28 pound to serve all of those counties.

29 **Article – Criminal Law**

30 10–609.

31 (a) Except as provided in [subsection (b)] **SUBSECTIONS (B) AND (C)** of this
32 section, if an officer of a humane society sees a person committing a misdemeanor that
33 involves cruelty to an animal, the officer shall arrest and bring before the District
34 Court the person committing the misdemeanor.

1 (b) **IN CALVERT COUNTY, IF AN OFFICER OF A HUMANE SOCIETY OR AN**
 2 **ANIMAL CONTROL OFFICER APPOINTED BY THE COUNTY COMMISSIONERS OR**
 3 **THE COUNTY COMMISSIONERS' DESIGNEE SEES A PERSON COMMITTING A**
 4 **MISDEMEANOR THAT INVOLVES CRUELTY TO AN ANIMAL, THE OFFICER SHALL**
 5 **ARREST AND BRING BEFORE THE DISTRICT COURT THE PERSON COMMITTING**
 6 **THE MISDEMEANOR.**

7 (c) In Baltimore County, the Baltimore County Department of Health,
 8 Division of Animal Control shall enforce this section.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 10 October 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.