

# HOUSE BILL 1419

E1, E4

8lr1199

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By: **Delegates Taylor, Donoghue, Feldman, Hucker, Kaiser, Montgomery,  
Nathan-Pulliam, and F. Turner**

Introduced and read first time: February 8, 2008

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Dangerous Dogs – Spaying and Neutering**

3 FOR the purpose of requiring a person who owns a dangerous dog or a dog that has  
4 been determined to be potentially dangerous by an appropriate unit of a county  
5 or municipal corporation to have the dog spayed or neutered within a certain  
6 period; applying certain penalties to a violation of this Act; and generally  
7 relating to dangerous dogs and owner responsibilities.

8 BY repealing and reenacting, with amendments,  
9 Article – Criminal Law  
10 Section 10–619  
11 Annotated Code of Maryland  
12 (2002 Volume and 2007 Supplement)

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

15 **Article – Criminal Law**

16 10–619.

17 (a) (1) In this section the following words have the meanings indicated.

18 (2) “Dangerous dog” means a dog that:

19 (i) without provocation has killed or inflicted severe injury on a  
20 person; or

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) is determined by the appropriate unit of a county or  
2 municipal corporation under subsection (c) of this section to be a potentially dangerous  
3 dog and, after the determination is made:

4 1. bites a person;

5 2. when not on its owner's real property, kills or inflicts  
6 severe injury on a domestic animal; or

7 3. attacks without provocation.

8 (3) (i) "Owner's real property" means real property owned or leased  
9 by the owner of a dog.

10 (ii) "Owner's real property" does not include a public  
11 right-of-way or a common area of a condominium, apartment complex, or townhouse  
12 development.

13 (4) "Severe injury" means a physical injury that results in broken  
14 bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

15 (b) This section does not apply to a dog owned by and working for a  
16 governmental or law enforcement unit.

17 (c) An appropriate unit of a county or municipal corporation may determine  
18 that a dog is potentially dangerous if the unit:

19 (1) finds that the dog:

20 (i) has inflicted a bite on a person while on public or private  
21 real property;

22 (ii) when not on its owner's real property, has killed or inflicted  
23 severe injury on a domestic animal; or

24 (iii) has attacked without provocation; and

25 (2) notifies the dog owner in writing of the reasons for this  
26 determination.

27 (d) A dog owner may not:

28 (1) leave a dangerous dog unattended on the owner's real property  
29 unless the dog is:

30 (i) confined indoors;

31 (ii) in a securely enclosed and locked pen; or

1 (iii) in another structure designed to restrain the dog; or

2 (2) allow a dangerous dog to leave the owner's real property unless the  
3 dog is leashed and muzzled, or is otherwise securely restrained and muzzled.

4 **(E) AN OWNER OF A DANGEROUS DOG OR A DOG THAT HAS BEEN**  
5 **DETERMINED TO BE POTENTIALLY DANGEROUS UNDER SUBSECTION (C) OF**  
6 **THIS SECTION SHALL, WITHIN 30 DAYS AFTER BECOMING AWARE OF THE DOG'S**  
7 **STATUS, HAVE THE DOG SPAYED OR NEUTERED.**

8 **[(e)] (F)** An owner of a dangerous dog or potentially dangerous dog who  
9 sells or gives the dog to another shall notify in writing:

10 (1) the authority that made the determination under subsection (c) of  
11 this section, of the name and address of the new owner of the dog; and

12 (2) the person taking possession of the dog, of the dangerous behavior  
13 or potentially dangerous behavior of the dog.

14 **[(f)] (G)** A person who violates this section is guilty of a misdemeanor and  
15 on conviction is subject to a fine not exceeding \$2,500.

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