

Department of Legislative Services  
Maryland General Assembly  
2008 Session

FISCAL AND POLICY NOTE

House Bill 1419  
Judiciary

(Delegate Taylor, *et al.*)

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Criminal Law - Dangerous Dogs - Spaying and Neutering

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This bill requires the owner of a dangerous dog or a dog that has been determined by a unit of local government to be potentially dangerous to have the dog spayed or neutered within 30 days after becoming aware of the dog's status.

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Fiscal Summary

**State Effect:** Potential minimal increase in general fund revenues due to the applicable penalty provision to the extent additional people are sanctioned. No effect on expenditures.

**Local Effect:** The provisions of the bill could be enforced with existing resources.

**Small Business Effect:** None.

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Analysis

**Current Law:** A "dangerous dog" is one that has killed or inflicted severe injury on a person without provocation or is determined to be potentially dangerous by a county or municipal corporation and after that determination, bites a person, kills or inflicts severe injury on a domestic animal when it is not on its owner's real property, or the dog attacks without provocation.

A local jurisdiction may determine that a dog is potentially dangerous if it finds that the dog has inflicted a bite on a person while on public or private real property; has killed or inflicted severe injury on a domestic animal when not on its owner's real property; or has

attacked without provocation. The unit must notify the dog owner in writing of the reasons for its determination.

A dog owner may not leave a dangerous dog unattended on the owner's real property unless the dog is confined indoors, is in a securely enclosed and locked pen or is in another structure designed to restrain the dog. A dog owner may not allow a dangerous dog to leave the owner's real property unless the dog is leashed and muzzled or is otherwise securely restrained and muzzled.

An owner of a dangerous or potentially dangerous dog who sells or gives the dog to another must provide, in writing, specified information about the new owner to the local government unit that made the determination about the dog and notify the new owner about the dog's dangerous or potentially dangerous behavior.

A person who violates these provisions is guilty of a misdemeanor and subject to a maximum fine of \$2,500.

**Background:** According to the American Veterinary Medical Association, more than 53 million dogs share their lives with humans in the United States, more dogs per capita than any other country in the world. An estimated 4.5 million people are bitten each year. On an annual basis, about 334,000 people are admitted to U.S. hospital emergency rooms and 466,000 are seen in other medical settings. Hospital expenses for dog bite-related emergency visits are estimated at over \$100 million annually. Of the typical dog bite victims, almost half are children younger than age 12. People older than age 70 comprise another 10% of dog bite victims and about 20% of those fatally injured. More than \$1 billion in homeowner liability insurance claims are paid annually due to dog bites.

In 2001, AVMA convened a Task Force on Canine Aggression and Human-Canine Interactions to recommend the most effective measures for reducing the incidences of dog bites and holding dog owners responsible for their dogs' behavior. Recommendations included identification and regulation of dangerous dogs, improved bite data reporting, and more comprehensive public education about dog behaviors.

**State Revenues:** General fund revenues could increase minimally under the applicable monetary penalty provision for those cases heard in the District Court. The number of people that could receive fines under this bill is expected to be minimal.

**Local Fiscal Effect:** Kent and Worcester counties advise that the bill would not have a fiscal impact. Montgomery County also advises that the bill would not have a fiscal impact. Those dogs found to be dangerous or potentially dangerous in Montgomery

County must be implanted with a microchip. Verification of spaying and neutering would be done at the time the chip was implanted. The City of College Park also advises that the bill would not have a fiscal impact.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Town of Berlin, City of Rockville, City of Frostburg, City of College Park, Washington County, Montgomery County, Prince George's County, Kent County, Worcester County, Judiciary (Administrative Office of the Courts), Department of Health and Mental Hygiene, Town of Bladensburg, Humane Society of the United States, American Veterinary Medical Association, Department of Legislative Services

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