

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 1045

(Cecil County Delegation)

Environmental Matters

Judicial Proceedings

Cecil County - Regulation of Domestic Animals

This bill decreases from two to one the number of persons in Cecil County who must make a sworn complaint in the District Court in Cecil County alleging that a domestic animal either disturbs the peace and quiet of an inhabited neighborhood or is vicious and has bitten a person, before a summons to the owner or keeper to appear before the court must be issued. The bill also increases the maximum penalty for failing to comply with relevant county law or a court order from \$25 to \$500.

Fiscal Summary

State Effect: None.

Local Effect: Potential minimal increase in Cecil County revenues from penalty payments. Potential minimal increase in Cecil County enforcement expenditures.

Small Business Effect: None.

Analysis

Current Law: The Cecil County Commissioners may provide for a comprehensive system for regulation of domestic animals in the county, including licensing and control of domestic animals. It is prohibited to own or keep a domestic animal that disturbs the peace and quiet of any neighborhood in an inhabited area; the barking of hunting dogs in pursuit of game is exempted. It is also prohibited to own or keep a domestic animal that is vicious and bites any person.

With the sworn complaint in the District Court in Cecil County of any two or more persons of different households alleging that a domestic animal disturbs the peace or is vicious and has bitten any person, a summons must be issued to the animal's owner or keeper to appear in the District Court. Given proof that the domestic animal disturbs the peace and quiet or is vicious and has bitten any person, the owner or keeper may be required to deliver the offending animal to be killed in the most humane manner possible, unless the animal is permanently removed from the neighborhood. The county may seize the animal if the owner or keeper fails to deliver the animal or permanently remove it from the neighborhood.

The court may order the domestic animal restrained or issue another appropriate order. An owner that fails to comply with a court order or with the law regarding domestic animals that disturb the peace or are vicious is guilty of a misdemeanor and subject to a maximum fine of \$25 for each offense, upon conviction.

Background: The District Court advises that it receives \$7.50 for court costs if an animal control case goes to trial. The court further advises that regardless of whether there is a trial, any penalty is received by the county (less \$7.50 if there is a trial). Cecil County and the District Court were unable to provide information on the number of sworn complaints in Cecil County regarding animals that allegedly disturb the peace or are allegedly vicious.

Local Fiscal Effect: Cecil County revenues may increase minimally due to the increased penalty for failing to comply with local law and the reduction in the number of persons who must submit a sworn complaint to the District Court. However, any increase in the number of sworn complaints may be accompanied by an increase in local enforcement costs (*e.g.*, more frequent seizure of domestic animals.)

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Cecil County, Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - March 16, 2009
ncs/mwc

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