

HOUSE BILL 1314

E1

0lr1885

By: **Delegates Glenn, Anderson, and Rosenberg**

Introduced and read first time: February 18, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Dangerous Dogs – Registration and Penalties**

3 FOR the purpose of requiring the owner of a dangerous dog to obtain a certain
4 registration certificate from a local animal control unit within a certain period
5 of time; requiring the owner to pay a certain fee set by the animal control unit;
6 requiring a certain registration certificate to include certain information;
7 requiring a local animal control unit to issue a certain registration certificate if
8 the owner of a dangerous dog provides certain satisfactory evidence; requiring a
9 certain registration certificate to be renewed annually at a fee set by the local
10 animal control unit; requiring the owner of a dangerous dog to notify the local
11 animal control unit of certain changes in information; requiring certain animal
12 control units to forward certain information to the State Board of Veterinary
13 Medical Examiners in the State Department of Agriculture; requiring the Board
14 to publish certain information on a certain website; prohibiting a person from
15 importing a dangerous dog into the State; prohibiting a person from selling,
16 adopting, or otherwise transferring a dangerous dog in the State to another
17 person other than an animal control unit; establishing certain penalties for
18 certain violations of this Act; establishing certain penalties for the owner of a
19 dangerous dog if the dangerous dog kills or inflicts injury on a person or on a
20 domestic animal; establishing a certain penalty for the owner of a dangerous
21 dog if the dog kills or inflicts severe injury on a person caused by the owner's
22 gross negligence or reckless, wanton, or intentional misconduct; prohibiting a
23 court from imposing less than a certain mandatory minimum sentence;
24 prohibiting a court from suspending any part of a certain mandatory minimum
25 sentence; requiring an owner of a potentially dangerous dog who sells or gives
26 the dog to another to make a certain written notification; removing a certain act
27 from the list of acts for which a certain unit may determine that a dog is
28 potentially dangerous; defining certain terms; and generally relating to
29 registration of dangerous dogs.

30 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Criminal Law
 2 Section 10–619
 3 Annotated Code of Maryland
 4 (2002 Volume and 2009 Supplement)

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

7 **Article – Criminal Law**

8 10–619.

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

10 (2) **“ANIMAL CONTROL UNIT” HAS THE MEANING STATED IN §**
 11 **10–617 OF THIS SUBTITLE.**

12 (3) **“BOARD” MEANS THE STATE BOARD OF VETERINARY**
 13 **MEDICAL EXAMINERS IN THE STATE DEPARTMENT OF AGRICULTURE.**

14 **[(2)] (4) (I) “Dangerous dog” means a dog that:**

15 **[(i)] 1. without provocation has killed or inflicted severe**
 16 **injury on a person; [or]**

17 **2. WHEN NOT ON ITS OWNER’S REAL PROPERTY,**
 18 **KILLS OR INFLICTS SEVERE INJURY ON A DOMESTIC ANIMAL; OR**

19 **[(ii)] 3. is determined by the appropriate unit of a county or**
 20 **municipal corporation under subsection (c) of this section to be a potentially dangerous**
 21 **dog and, after the determination is made:**

22 **[1.] A. bites a person; OR**

23 **[2. when not on its owner’s real property, kills or inflicts**
 24 **severe injury on a domestic animal; or**

25 **3.] B. attacks without provocation.**

26 **(II) “DANGEROUS DOG” DOES NOT INCLUDE A DOG THAT**
 27 **KILLED OR INFLICTED SEVERE INJURY ON A PERSON IF AT THE TIME THE**
 28 **PERSON WAS:**

29 **1. COMMITTING A CRIME ON THE PROPERTY**
 30 **OCCUPIED BY THE DOG’S OWNER;**

1 **2. COMMITTING A WILLFUL TRESPASS ON THE**
2 **PROPERTY OCCUPIED BY THE DOG’S OWNER; OR**

3 **3. PROVOKING, TORMENTING, OR PHYSICALLY**
4 **ABUSING THE DOG, OR PREVIOUSLY HAS REPEATEDLY PROVOKED, TORMENTED,**
5 **OR PHYSICALLY ABUSED THE DOG.**

6 **[(3)] (5)** (i) “Owner’s real property” means real property owned or
7 leased by the owner of a dog.

8 (ii) “Owner’s real property” does not include a public
9 right-of-way or a common area of a condominium, apartment complex, or townhouse
10 development.

11 **[(4)] (6)** “Severe injury” means a physical injury that results in
12 broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

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

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

17 (1) finds that the dog:

18 (i) has inflicted a bite on a person while on public or private
19 real property; **OR**

20 (ii) [when not on its owner’s real property, has killed or inflicted
21 severe injury on a domestic animal; or

22 (iii)] has attacked without provocation; and

23 (2) notifies the dog owner in writing of the reasons for this
24 determination.

25 (d) A dog owner may not:

26 (1) leave a dangerous dog unattended on the owner’s real property
27 unless the dog is:

28 (i) confined indoors;

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

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

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

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

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

7 (2) the person taking possession of the dog, of the dangerous behavior
8 or potentially dangerous behavior of the dog.

9 (f) A person who violates **SUBSECTION (D) OR (E) OF** this section is guilty
10 of a misdemeanor and on conviction is subject to a fine not exceeding \$2,500.

11 **(G) (1) WITHIN 10 DAYS OF A DOG COMMITTING AN ACT THAT**
12 **RENDERS IT A DANGEROUS DOG, THE OWNER OF THE DANGEROUS DOG SHALL**
13 **OBTAIN A DANGEROUS DOG REGISTRATION CERTIFICATE FROM A LOCAL**
14 **ANIMAL CONTROL UNIT.**

15 **(2) TO OBTAIN A DANGEROUS DOG REGISTRATION CERTIFICATE,**
16 **THE OWNER SHALL PAY A FEE SET BY THE LOCAL ANIMAL CONTROL UNIT.**

17 **(3) A DANGEROUS DOG REGISTRATION CERTIFICATE SHALL**
18 **INCLUDE:**

19 **(I) THE NAME AND ADDRESS OF THE OWNER OF THE**
20 **DANGEROUS DOG;**

21 **(II) THE BREED OF THE DANGEROUS DOG;**

22 **(III) TATTOO OR ELECTRIC IMPLANTATION IDENTIFICATION**
23 **INFORMATION OF THE DANGEROUS DOG; AND**

24 **(IV) A DESCRIPTION OF THE ACT THAT RENDERED THE DOG**
25 **A DANGEROUS DOG.**

26 **(4) A LOCAL ANIMAL CONTROL UNIT SHALL ISSUE A DANGEROUS**
27 **DOG REGISTRATION CERTIFICATE IF THE DANGEROUS DOG OWNER PROVIDES**
28 **SATISFACTORY EVIDENCE THAT:**

29 **(I) THE DANGEROUS DOG:**

30 **1. HAS A CURRENT RABIES VACCINATION;**

1 **2. HAS BEEN SPAYED OR NEUTERED;**

2 **3. WILL BE CONFINED TO THE OWNER'S RESIDENCE**
3 **OR IN A SECURELY ENCLOSED AND LOCKED PEN; AND**

4 **4. HAS BEEN PERMANENTLY IDENTIFIED BY A**
5 **TATTOO OR BY ELECTRONIC IMPLANTATION; AND**

6 **(II) THE OWNER:**

7 **1. HAS LIABILITY COVERAGE OF AT LEAST \$300,000**
8 **THAT COVERS DOG ATTACKS; AND**

9 **2. HAS POSTED CLEARLY VISIBLE SIGNS WARNING**
10 **OF THE PRESENCE OF A DANGEROUS DOG AT THE PROPERTY WHERE THE**
11 **DANGEROUS DOG IS CONFINED.**

12 **(5) A REGISTRATION CERTIFICATE OBTAINED UNDER THIS**
13 **SUBSECTION SHALL BE RENEWED ANNUALLY FOR A FEE SET BY THE LOCAL**
14 **ANIMAL CONTROL UNIT.**

15 **(6) THE OWNER OF A DANGEROUS DOG PROMPTLY SHALL NOTIFY**
16 **THE LOCAL ANIMAL CONTROL UNIT IF:**

17 **(I) THERE IS ANY CHANGE IN THE OWNER'S NAME OR**
18 **ADDRESS;**

19 **(II) THE DANGEROUS DOG BECOMES LOOSE OR**
20 **UNCONFINED;**

21 **(III) THE DANGEROUS DOG BITES OR ATTACKS A PERSON OR**
22 **ANOTHER ANIMAL; OR**

23 **(IV) THE DANGEROUS DOG IS SOLD, GIVEN AWAY, OR DIES.**

24 **(H) (1) EACH LOCAL ANIMAL CONTROL UNIT THAT ISSUES A**
25 **DANGEROUS DOG REGISTRATION CERTIFICATE SHALL FORWARD THE**
26 **INFORMATION COLLECTED UNDER SUBSECTION (G)(3) AND (6) OF THIS**
27 **SECTION TO THE BOARD.**

28 **(2) THE BOARD SHALL PUBLISH THE INFORMATION COLLECTED**
29 **UNDER PARAGRAPH (1) OF THIS SUBSECTION ON A PUBLICLY ACCESSIBLE**
30 **WEBSITE MAINTAINED BY THE BOARD.**

1 **(I) (1) A PERSON MAY NOT IMPORT A DANGEROUS DOG INTO THE**
2 **STATE.**

3 **(2) A PERSON MAY NOT SELL, ADOPT, OR OTHERWISE TRANSFER**
4 **A DANGEROUS DOG IN THE STATE TO ANOTHER PERSON IN THE STATE OTHER**
5 **THAN AN ANIMAL CONTROL UNIT.**

6 **(3) A PERSON WHO VIOLATES PARAGRAPH (1) OR (2) OF THIS**
7 **SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT**
8 **TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$2,500**
9 **OR BOTH.**

10 **(J) (1) THE OWNER OF A DANGEROUS DOG THAT KILLS OR INFLECTS**
11 **SEVERE INJURY ON A DOMESTIC ANIMAL IS GUILTY OF A MISDEMEANOR AND ON**
12 **CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A**
13 **FINE NOT EXCEEDING \$1,000 OR BOTH.**

14 **(2) THE OWNER OF A DANGEROUS DOG THAT INFLECTS INJURY**
15 **ON A PERSON IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO**
16 **IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$2,500 OR**
17 **BOTH.**

18 **(3) THE OWNER OF A DANGEROUS DOG THAT KILLS OR INFLECTS**
19 **SEVERE INJURY ON A PERSON IS GUILTY OF A FELONY AND ON CONVICTION IS**
20 **SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 1 YEAR AND NOT EXCEEDING**
21 **5 YEARS OR A FINE NOT EXCEEDING \$2,500 OR BOTH.**

22 **(4) THE OWNER OF A DANGEROUS DOG THAT KILLS OR INFLECTS**
23 **SEVERE INJURY ON A PERSON CAUSED BY THE OWNER'S GROSS NEGLIGENCE OR**
24 **RECKLESS, WANTON, OR INTENTIONAL MISCONDUCT IS GUILTY OF A FELONY**
25 **AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 1**
26 **YEAR AND NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$2,500 OR**
27 **BOTH.**

28 **(5) (I) NOTWITHSTANDING § 14-102 OF THIS ARTICLE, THE**
29 **COURT MAY NOT IMPOSE LESS THAN THE MANDATORY MINIMUM SENTENCE**
30 **REQUIRED UNDER PARAGRAPH (3) OR (4) OF THIS SUBSECTION.**

31 **(II) THE COURT MAY NOT SUSPEND ANY PART OF THE**
32 **MANDATORY MINIMUM SENTENCE REQUIRED UNDER PARAGRAPH (3) OR (4) OF**
33 **THIS SUBSECTION.**

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 2010.