

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 192 (Senator Colburn)
Judicial Proceedings

Criminal Law - Dangerous Dogs - Mandatory Spaying or Neutering

This bill requires the owner of a dangerous dog, as determined by a unit of a county or municipal corporation, to provide to the unit valid proof that the dog has been spayed or neutered within 30 days of receiving notice that the dog is dangerous.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to the applicable penalty provision to the extent that additional people are sanctioned. Expenditures are not affected.

Local Effect: The provisions of the bill can be handled with existing budgeted local resources.

Small Business Effect: None.

Analysis

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 (1) bites a person; (2) kills or inflicts severe injury on a domestic animal when the dog is not on its owner’s real property; or (3) 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 jurisdiction 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's (AVMA) *2007 U.S. Pet Ownership & Demographics Sourcebook*, more than 72 million dogs are household pets in the United States. The U.S. Centers for Disease Control and Prevention report that approximately 4.5 million people are bitten by dogs each year, and 20% of dog bite victims require medical attention for related injuries. In 2006, more than 31,000 people underwent reconstructive surgery as a result of a dog bite. Children are more likely to receive medical attention for dog bite injuries, and children ages five to nine years have the highest rate of dog bite-related injuries.

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: Allegany, Harford, Montgomery, and Talbot counties advise that the bill will not have a fiscal impact. The City of Rockville and the Town of Bladensburg also do not anticipate a fiscal impact as a result of the bill. Wicomico County reported that the bill could have a fiscal impact, assuming that the county would be responsible for spaying and neutering identified dangerous dogs. Since owners are responsible for

spaying and neutering, the bill likely would not have a fiscal impact in Wicomico County.

Additional Information

Prior Introductions: HB 1419 of 2008, a substantially similar bill, received an unfavorable report from the Judiciary Committee.

Cross File: HB 15 (Delegate Haddaway) - Judiciary.

Information Source(s): Allegany, Harford, Montgomery, and Talbot counties; Town of Bladensburg; City of Rockville; Judiciary (Administrative Office of the Courts); Centers for Disease Control and Prevention; American Veterinary Medical Association; Department of Legislative Services

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