

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 1057

(Senator Stone)

Judicial Proceedings

**Criminal Law - Leaving Dogs Outside and Unattended by Use of Restraint -
Restricted Hours and Conditions**

This bill prohibits a person from leaving a dog outside and unattended by use of a “restraint” (1) during a snow emergency declared by the Maryland State Police; or (2) between the hours of 10 p.m. and 6 a.m., unless the person has an express waiver from the unit of the county or municipal corporation that licensed the dog.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to monetary penalties imposed in District Court cases. Potential minimal increase in general fund expenditures for defendants incarcerated in Baltimore City.

Local Effect: Potential minimal increase in local expenditures due to the bill’s expansion of the number of defendants subject to the current incarceration penalty for leaving a dog outside and unattended by use of a restraint.

Small Business Effect: None.

Analysis

Current Law: A person is prohibited from leaving a dog outside and unattended by use of a “restraint” under certain conditions. A “restraint” is defined as a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system. A “collar” is a device made of nylon, leather, or similar material that is specifically designed to be used around a dog’s neck.

The prohibition applies to the use of a restraint:

- that unreasonably limits the dog's movements;
- that uses a collar that is made primarily of metal; or is not at least as large as the circumference of the dog's neck plus one inch;
- that restricts the dog's access to suitable and sufficient clean water or appropriate shelter;
- that keeps the dog in unsafe or unsanitary conditions; or
- that causes injury to the dog.

A violator is guilty of a misdemeanor and is subject to maximum penalties of imprisonment for 90 days and/or a fine of \$1,000.

State Revenues: General fund revenues increase minimally as a result of the bill's monetary penalty provision from cases heard in the District Court.

State Expenditures: General fund expenditures increase minimally as a result of the bill's incarceration penalty due to more people being committed to Division of Correction facilities for convictions in Baltimore City. The number of people convicted as a result of this bill is expected to be minimal.

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

Local Expenditures: Expenditures increase as a result of the bill's expansion of the number of defendants subject to the current incarceration penalty for leaving a dog outside and unattended by use of a restraint. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. Per diem operating costs of local detention facilities are expected to range from \$57 to \$157 per inmate in fiscal 2011.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore, Garrett, Howard, and Montgomery counties; City of Havre de Grace; Judiciary (Administrative Office of the Courts); Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - March 23, 2010
mpc/kdm

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