

# HOUSE BILL 422

L2, L3, N1

4lr0971  
CF 4lr1885

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By: **Delegates Hixson, Barve, Cardin, Frush, Kach, Kramer, McMillan, Stukes,  
F. Turner, and A. Washington**

Introduced and read first time: January 24, 2014

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Dogs – Discrimination Based on Breed, Type, or Heritage – Prohibited**

3 FOR the purpose of providing that a dog may not be determined to be potentially  
4 dangerous based solely on the breed, type, or heritage of the dog; establishing  
5 that a county or municipality may not enact a local law or adopt an ordinance  
6 that prohibits a person from owning, keeping, or harboring a dog of a specific  
7 breed, type, or heritage or take certain other actions based on the breed, type, or  
8 heritage of a dog; providing that a homeowner or tenant, regardless of the terms  
9 of certain documents, may not be prohibited from owning, keeping, or harboring  
10 a dog of a specific breed, type, or heritage or be denied occupancy in or evicted  
11 from residential property solely because the person owns, keeps, or harbors a  
12 dog of a specific breed, type, or heritage; providing for the construction of  
13 certain provisions of this Act; providing for the application of this Act; and  
14 generally relating to discrimination against certain dogs.

15 BY repealing and reenacting, with amendments,  
16 Article – Criminal Law  
17 Section 10–619  
18 Annotated Code of Maryland  
19 (2012 Replacement Volume and 2013 Supplement)

20 BY adding to  
21 Article – Local Government  
22 Section 5–107 and 13–102.1  
23 Annotated Code of Maryland  
24 (2013 Volume)

25 BY adding to  
26 Article – Real Property  
27 Section 14–133

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2010 Replacement Volume and 2013 Supplement)

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

5 **Article – Criminal Law**

6 10–619.

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

8 (2) “Dangerous dog” means a dog that:

9 (i) without provocation has killed or inflicted severe injury on a  
10 person; or

11 (ii) is determined by the appropriate unit of a county or  
12 municipal corporation under subsection (c) of this section to be a potentially dangerous  
13 dog and, after the determination is made:

14 1. bites a person;

15 2. when not on its owner’s real property, kills or inflicts  
16 severe injury on a domestic animal; or

17 3. attacks without provocation.

18 (3) (i) “Owner’s real property” means real property owned or leased  
19 by the owner of a dog.

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

23 (4) “Severe injury” means a physical injury that results in broken  
24 bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

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

27 (c) (1) **[An] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN**  
28 appropriate unit of a county or municipal corporation may determine that a dog is  
29 potentially dangerous **ONLY** if the unit:

30 **[(1)] (I)** finds that the dog:



1 A DANGEROUS DOG, AS DEFINED IN § 10-619(A) OF THE CRIMINAL LAW  
2 ARTICLE, OR A DOG THAT HAS BEEN DETERMINED TO BE POTENTIALLY  
3 DANGEROUS IN ACCORDANCE WITH § 10-619(C) OF THE CRIMINAL LAW  
4 ARTICLE.

5 (B) A MUNICIPALITY MAY NOT:

6 (1) ADOPT AN ORDINANCE PROHIBITING A PERSON FROM  
7 OWNING, KEEPING, OR HARBORING A DOG OF A SPECIFIC BREED, TYPE, OR  
8 HERITAGE; OR

9 (2) DETERMINE A DOG TO BE A NUISANCE, POTENTIALLY  
10 DANGEROUS, DANGEROUS, OR INHERENTLY DANGEROUS, OR OTHERWISE  
11 REGULATE A DOG BASED ON THE BREED, TYPE, OR HERITAGE OF THE DOG.

12 13-102.1.

13 (A) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A COUNTY  
14 FROM RESTRICTING THE OWNING, KEEPING, OR HARBORING OF A DANGEROUS  
15 DOG, AS DEFINED IN § 10-619(A) OF THE CRIMINAL LAW ARTICLE, OR A DOG  
16 THAT HAS BEEN DETERMINED TO BE POTENTIALLY DANGEROUS IN  
17 ACCORDANCE WITH § 10-619(C) OF THE CRIMINAL LAW ARTICLE.

18 (B) A COUNTY MAY NOT:

19 (1) ENACT A LOCAL LAW PROHIBITING A PERSON FROM OWNING,  
20 KEEPING, OR HARBORING A DOG OF A SPECIFIC BREED, TYPE, OR HERITAGE; OR

21 (2) DETERMINE A DOG TO BE A NUISANCE, POTENTIALLY  
22 DANGEROUS, DANGEROUS, OR INHERENTLY DANGEROUS, OR OTHERWISE  
23 REGULATE A DOG BASED ON THE BREED, TYPE, OR HERITAGE OF THE DOG.

24 Article – Real Property

25 14-133.

26 (A) THIS SECTION APPLIES TO ANY RESIDENTIAL PROPERTY,  
27 INCLUDING PROPERTY THAT IS SUBJECT TO THE PROVISIONS OF:

28 (1) TITLE 8, TITLE 8A, TITLE 11, TITLE 11A, OR TITLE 11B OF  
29 THIS ARTICLE; OR

30 (2) TITLE 5, SUBTITLE 6B OF THE CORPORATIONS AND  
31 ASSOCIATIONS ARTICLE.

1           **(B) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT**  
2 **RESTRICTIONS ON THE OWNING, KEEPING, OR HARBORING OF:**

3                   **(1) ANY DOG, REGARDLESS OF BREED, TYPE, OR HERITAGE; OR**

4                   **(2) A DANGEROUS DOG, AS DEFINED IN § 10-619(A) OF THE**  
5 **CRIMINAL LAW ARTICLE, OR A DOG THAT HAS BEEN DETERMINED TO BE**  
6 **POTENTIALLY DANGEROUS IN ACCORDANCE WITH § 10-619(C) OF THE**  
7 **CRIMINAL LAW ARTICLE.**

8           **(C) REGARDLESS OF THE TERMS OF ANY CONTRACT, DEED, COVENANT,**  
9 **RESTRICTION, INSTRUMENT, DECLARATION, RULE, BYLAW, LEASE AGREEMENT,**  
10 **RENTAL AGREEMENT, OR ANY OTHER DOCUMENT, A HOMEOWNER OR TENANT**  
11 **MAY NOT BE:**

12                   **(1) PROHIBITED FROM OWNING, KEEPING, OR HARBORING A DOG**  
13 **OF A SPECIFIC BREED, TYPE, OR HERITAGE; OR**

14                   **(2) DENIED OCCUPANCY IN OR EVICTED FROM RESIDENTIAL**  
15 **PROPERTY SOLELY BECAUSE THE PERSON OWNS, KEEPS, OR HARBORS A DOG OF**  
16 **A SPECIFIC BREED, TYPE, OR HERITAGE.**

17           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
18 construed to apply retroactively and shall be applied to and interpreted to affect any  
19 local law or ordinance prohibiting the owning, keeping, or harboring of a dog and any  
20 document governing the owning, keeping, or harboring of a dog on residential property  
21 in effect on the effective date of this Act.

22           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2014.