

# HOUSE BILL 523

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By: **Delegates Kramer, Barkley, Fraser–Hidalgo, A. Miller, S. Robinson, and Simmons**

Introduced and read first time: January 29, 2014

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of altering a certain penalty for certain offenses relating to the  
4 possession of a dangerous dog; establishing a term of imprisonment as a penalty  
5 for certain offenses relating to the possession of a dangerous dog; and generally  
6 relating to dangerous dogs.

7 BY repealing and reenacting, with amendments,  
8 Article – Criminal Law  
9 Section 10–619  
10 Annotated Code of Maryland  
11 (2012 Replacement Volume and 2013 Supplement)

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

14 **Article – Criminal Law**

15 10–619.

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

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

18 (i) without provocation has killed or inflicted severe injury on a  
19 person; or

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1                                   1.     bites a person;
- 2                                   2.     when not on its owner's real property, kills or inflicts  
3 severe injury on a domestic animal; or
- 4                                   3.     attacks without provocation.

5                   (3)   (i)   "Owner's real property" means real property owned or leased  
6 by the owner of a dog.

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

10                   (4)   "Severe injury" means a physical injury that results in broken  
11 bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

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

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

16                                   (1)   finds that the dog:

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

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

21   (iii) has attacked without provocation; and

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

24                   (d)   A dog owner may not:

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

27   (i)   confined indoors;

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

29   (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 this section is guilty of a misdemeanor and on  
10 conviction is subject to **IMPRISONMENT NOT EXCEEDING 3 YEARS OR** a fine not  
11 exceeding [~~\$2,500~~] **\$5,000 OR BOTH**.

12           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2014.