

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

Senate Bill 1010 (Senators Benson and Stone)
Judicial Proceedings

Domestic Animals - Sterilization and Life-Sustaining Care of Cats - Determination of Dangerousness

This bill establishes an exemption to the prohibition on abandoning a domestic animal under § 10-612 of the Criminal Law Article for a person who is providing sterilization or life-sustaining care to a feral house cat that is not owned or lacks visible owner identification. The bill also prohibits a county or local government from (1) prohibiting a person from providing sterilization or life-sustaining care to a feral house cat that is not owned or lacks visible owner registration or (2) determining that a feral house cat is a nuisance, potentially dangerous, or dangerous solely on the grounds that the cat is not owned or lacks visible owner registration. The bill's provisions do not limit a common law cause of action or immunity.

The bill applies retroactively and must be applied to and interpreted to affect the prosecution of any person for a violation of § 10-612 of the Criminal Law Article or a county or local ordinance.

Fiscal Summary

State Effect: Potential minimal decrease in general fund revenues from fines imposed in the District Court. Expenditures are not affected. While the bill may increase the number of requests for grants from the Spay/Neuter Grant Fund Program, because grant funds are finite, an increase in grant applications is not expected to materially affect State finances.

Local Effect: Potential decrease in future local animal control expenditures if the bill results in stabilization of the feral cat population through increased participation in trap, neuter, and release programs. This estimate assumes that local animal control departments have additional reasons other than lack of ownership when determining a

feral cat to be a nuisance/dangerous such that the bill's limitations on local animal control nuisance/dangerous cat determinations do not materially affect animal control enforcement efforts.

Small Business Effect: None.

Analysis

Current Law: A person who owns, possesses, or has custody of a domestic animal may not drop or leave the animal on a road, in a public place, or on private property with the intent to abandon the animal. Violators are guilty of a misdemeanor, punishable by a fine of up to \$100.

Background: In 2007, Baltimore City enacted a local ordinance that authorized the health commissioner to approve programs to trap, alter/vaccinate, and return feral cats. These programs, commonly referred to as "Trap, Neuter, and Return" (TNR) programs, are endorsed by several animal advocacy groups as the most effective way to manage feral cat colonies. In TNR programs, feral cats are trapped, taken to a clinic where they are spayed/neutered and vaccinated, and returned to their original location, where caretakers provide food and shelter. However, many feral cat caregivers fear being prosecuted for abandoning animals that they trap, neuter, and return.

State Fiscal Effect: The Maryland Department of Agriculture (MDA) advises that it is in the process of implementing the Spay/Neuter Grant Fund Program established under Chapters 561 and 562 of 2013. The program provides grants from the Spay/Neuter Fund to local governments and animal welfare organizations to promote the provision of spay and neuter services for cats and dogs.

The fund consists of (1) revenue from fees on dog and cat commercial feed; (2) money appropriated in the State budget to the fund; (3) the fund's investment earnings; and (4) money from any other source accepted for the benefit of the fund. The fund may be used for reasonable costs associated with administering the fund, to provide specified competitive grants, and to finance public education and outreach efforts associated with the grant program.

Grant proposals that target feral cat populations must comply with local laws. MDA advises that the bill's preemption of local laws and ordinances may increase the number of requests for grants from organizations with TNR programs. However, because grants are only provided to the extent that funds are available, any increase in the number of requests for program grants is not expected to materially affect State finances.

Local Fiscal Effect: Harford County advises that it is unable to reliably estimate the fiscal impact of the bill at this time. Wicomico County advises that it considers cats to be free-roaming animals and a person who abandons a cat that is destroying property is referred to local law enforcement for destruction of property concerns. The City of Frederick does not anticipate a fiscal impact from the bill.

Additional Information

Prior Introductions: None.

Cross File: Although HB 1473 (Delegate Kach, *et al.* - Rules and Executive Nominations) is designated as a cross file, it is different.

Information Source(s): Harford and Wicomico counties, cities of Frederick and Havre de Grace, Maryland Department of Agriculture, Judiciary (Administrative Office of the Courts), Maryland Association of Counties, Maryland Municipal League, Department of State Police, Baltimore City Health Department, *The Baltimore Sun*, WJZ/CBS Baltimore, Community Cats Maryland, Department of Legislative Services

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mc/kdm

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