

Department of Legislative Services  
Maryland General Assembly  
2014 Session

FISCAL AND POLICY NOTE

House Bill 1503  
Judiciary

(Delegates Stein and McMillan)

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**Criminal Law - Animal Cruelty - Leaving Dogs Outside in Extreme Temperatures**

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This bill prohibits a person from leaving a dog outside and unattended by use of a restraint during a snow emergency declared by the State Police or during a period in which the local temperature is 32 degrees Fahrenheit or below for at least one hour.

Violators are guilty of a misdemeanor, punishable by imprisonment for up to 90 days and/or a \$1,000 maximum fine.

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**Fiscal Summary**

**State Effect:** Minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

**Local Effect:** Minimal increase in local expenditures due to the bill's incarceration penalty. Revenues are not affected. Enforcement can be handled with existing resources.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A person may not leave a dog outside and unattended by use of a "restraint":

- that unreasonably limits the movement of the dog;
- 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 access of the dog to suitable and sufficient clean water or appropriate shelter;
- in unsafe or unsanitary conditions; or
- that causes injury to the dog.

Violators are guilty of a misdemeanor, punishable by imprisonment for up to 90 days and/or a \$1,000 maximum fine.

“Collar” is defined as a device constructed of nylon, leather, or similar material specifically designed to be used around the neck of a dog. “Restraint” means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

**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 State correctional facilities for convictions in Baltimore City. The number of people convicted of this proposed crime 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 incarceration penalty. 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 have ranged from approximately \$60 to \$160 per inmate in recent years.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Baltimore City, Prince George’s County, Maryland State Commission on Criminal Sentencing Policy, Judiciary (Administrative Office of the Courts), Office of the Public Defender, Department of State Police, Department of Public Safety and Correctional Services, State’s Attorneys’ Association, Department of Legislative Services

**Fiscal Note History:** First Reader - March 17, 2014  
ncs/kdm

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