

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

Senate Bill 26 (Senator Young)
Judicial Proceedings

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

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 maximum fine of \$1,000.

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. Local expenditures for animal control personnel may increase depending on current staffing levels and the jurisdiction's level of enforcement. Revenues are not affected.

Small Business Effect: None.

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.

Under § 21-1119 of the Transportation Article, the State Police may declare a snow emergency. During a snow emergency, parking is prohibited on designated snow emergency routes and vehicles must be equipped with snow chains or snow/all weather tires.

Pursuant to §14-303 of the Public Safety Article, the Governor may declare a State of Emergency, which can apply to a variety of conditions.

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.

Local expenditures may also increase depending on current animal control staffing levels and the jurisdiction’s level of enforcement. Harford County advises that the bill does not

have a fiscal impact. Montgomery County advises that the bill does not have a fiscal impact because the county already enforces a similar local law.

Wicomico County advises, however, that the county employs 1.5 full-time equivalent animal control officers, and that given the scope of the bill, the county needs to hire one additional animal control officer and procure additional equipment (including a vehicle) and supplies, at an estimated cost of \$234,500 in fiscal 2016 and approximately \$50,000 each year thereafter. Wicomico County advises that it already experiences a backlog of cases under current law. Due to the training and the required equipment involved, the county believes that it is not feasible to have an “on-call” animal control officer during cold weather. According to the county, several residents, including many hunters who own hunting dogs, keep their dogs in doghouses, which is prohibited under the bill during a snow emergency or cold weather. The county advises that the hunters typically do not bring their hunting dogs inside their homes, and, under the bill, the county must impound any dogs left in doghouses during applicable weather conditions.

Additional Information

Prior Introductions: HB 1503 of 2014 received a hearing in the House Judiciary Committee. No further action was taken on the bill.

Cross File: None.

Information Source(s): Harford, Montgomery, and Wicomico counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Department of State Police; Office of the Public Defender; State’s Attorneys’ Association; Department of Legislative Services

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mel/kdm

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