

Department of Legislative Services
 Maryland General Assembly
 2016 Session

FISCAL AND POLICY NOTE
 Third Reader

House Bill 438
 Judiciary

(Delegates Kramer and Fraser-Hidalgo)

Judicial Proceedings

Public Safety - Law Enforcement - Veterinary Care of Retired Law Enforcement
 K-9s Act

This bill requires a State or local law enforcement agency that removes a dog used in law enforcement work from duty to reimburse an individual who takes possession of the dog for reasonable and necessary veterinary treatment provided to the dog. The bill establishes limits on the amount of reimbursement and allows State and local law enforcement agencies to accept public donations to meet the bill’s requirements.

Fiscal Summary

State Effect: Under one set of assumptions, general/special fund expenditures increase by as much as \$15,000 in FY 2017 for reimbursements to individuals for authorized veterinary treatment. Future year expenditures reflect an increase in reimbursements until FY 2020, when the number of additional dogs that retire is estimated to be the same as the number of dogs that die. Special fund revenues from public donations may increase minimally, but any such increase cannot be reliably estimated; to the extent donations are not sufficient to cover costs, it is assumed that general funds are needed.

(in dollars)	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
SF Revenue	-	-	-	-	-
GF/SF Exp.	\$15,000	\$30,000	\$45,000	\$60,000	\$60,000
Net Effect	(\$15,000)	(\$30,000)	(\$45,000)	(\$60,000)	(\$60,000)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Local expenditures increase to reimburse individuals for authorized veterinary treatment. Costs vary by jurisdiction, as discussed below. Local revenues may increase due to any donations received. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: Minimal or none.

Analysis

Bill Summary: The bill requires a State or local law enforcement agency that removes a dog used in law enforcement work from duty to reimburse an individual who, under a written agreement with the law enforcement agency, takes possession of the dog on or after October 1, 2016, for reasonable and necessary veterinary treatment provided to the dog. Reimbursement (1) may only be for usual and customary veterinary treatment that is not attributable to abuse or neglect of the dog and is verified by written receipt and (2) may not exceed \$2,500 during a calendar year and \$10,000 over the life of the dog.

A State law enforcement agency may accept public donations to meet the bill's requirements and must hold the donations in a separate account that is not subject to appropriation by the Governor. A local law enforcement agency may establish a separate fund to accept and manage public donations to meet the bill's requirements.

Current Law: Each publicly owned dog used for law enforcement work by the State or a local jurisdiction must have a license issued by the Department of State Police (DSP). There is no license fee. A license must be issued on the form provided by DSP and to the law enforcement officer to whom the licensed dog is assigned. Each license must (1) be dated and numbered; (2) state the law enforcement agency to which the dog belongs; and (3) describe the dog that is licensed. DSP must provide with each license a metal tag that is stamped "Department of State Police" and bears the license number of the dog. The tag must be affixed to a substantial collar to be provided by the law enforcement agency to which the dog belongs.

A license is valid for all dog licensing purposes anywhere in the State and is in effect until the earlier of (1) revocation of the license by DSP or (2) removal of the licensed dog from law enforcement work.

Background: DSP's canine unit currently has 45 dogs. The unit's primary mission is to provide DSP and other police departments specialized canine support to assist them in their mission of protecting both the life and property of the citizens of the State of Maryland. This is achieved by advancing the primary purpose of the police service canine, which is to "locate and indicate" whether it be for narcotics, explosives, or people wanted for either criminal acts or those reported missing. The Governor's proposed fiscal 2017 budget includes \$40,000 for veterinary services for canine units at the support services bureau of DSP and \$600 for these expenses in the State Fire Marshal's office. DSP reports that the average service life of a law enforcement dog is eight years, followed by an expected post-service life of four years. For DSP, on average, five dogs are retired annually.

The Natural Resources Police (NRP) within the Department of Natural Resources has three canines, with plans to acquire one more by July 1, 2016. The Governor's proposed fiscal 2017 budget includes \$15,000 for NRP's Canine Unit for veterinary services for the dogs. DNR currently has one retired canine and expects to have another two dogs in retirement in three to five years.

The Maryland Transportation Authority (MDTA) currently has 10 canines. Each dog is in service for approximately seven years. Under current practice, the handler of the retiring dog may request ownership, including responsibility for proper care, which relieves MDTA of any financial responsibility for the dog.

Numerous local jurisdictions also operate canine units.

DSP is responsible for maintaining a registry of all publicly owned dogs used for law enforcement by State or local government agencies. Licensing and registration is done online. The license terminates upon the death of the dog, retirement from service, or transfer to another agency. Upon reassignment of a handler and/or the assignment of the canine to a new handler, the new handler or agency is required to notify DSP.

The number of new State and local law enforcement dog licenses issued each year by DSP since calendar 2010 is shown in **Exhibit 1**. Data on the number of dogs retired per year is not available.

Exhibit 1
Licenses Issued by DSP
Calendar 2010-2015

	<u>New Licenses Issued</u>
2010	7
2011	93
2012	91
2013	82
2014	47
2015	95
Total	415

Source: Department of State Police

State Fiscal Effect: For each dog to which the bill applies, the maximum reimbursement is \$2,500 annually and \$10,000 over the life of the dog. The total number of State-owned law enforcement dogs currently in service and expected to retire each year is unknown. However, if a total of six State-owned dogs are retired annually, maximum expenditures under the bill are shown in **Exhibit 2**. Maximum costs are likely less in fiscal 2017 due to the bill's October 1, 2016 effective date.

Exhibit 2
Estimated Expenditures for Reimbursements under the Bill

	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
Number of dogs retired per year	6	6	6	6	6
Cumulative number of dogs retired	6	12	18	24	24
Maximum reimbursements	\$15,000	\$30,000	\$45,000	\$60,000	\$60,000

Source: Department of Legislative Services

Actual reimbursements for veterinary expenses could vary in any given year and depend on several factors, including the number of dogs affected, the actual life span of each dog, and verified receipts for veterinary expenses. Assuming an average life span of four years for each dog after retirement, beginning in 2020, the number of dogs subject to the bill's requirements remains constant, as the anticipated number of additional dogs that retire is the same as the anticipated number of dogs that die. Also, the bill's cap on total reimbursements over the life of a dog (\$10,000) means that if the maximum annual reimbursement of \$2,500 each year is provided, even if a dog lives more than four years, the cap will have been reached.

The potential for public donations to be used to offset costs incurred under the bill cannot be reliably estimated. However, to the extent any donations are received and accepted, special fund revenues increase. In the absence of sufficient donations, it is assumed that reimbursements are paid with general funds.

Local Fiscal Effect: The bill's impact on local government expenditures likely varies by jurisdiction and depends on the number of dogs retired in any given year, the lifespan of affected dogs, and actual authorized veterinary expenses.

Baltimore County reports that, if it assumes that five dogs are retired from service each year, the maximum cost of the bill is \$7,500 in fiscal 2017. In future years, costs increase as additional dogs retire.

Montgomery County reports that the Montgomery County Police Department, on average, retires two dogs annually. As a result, the fiscal impact in fiscal 2017 is expected to be \$5,000, with increased costs in future years as additional dogs are retired from service.

Dorchester County advises that the county sheriff currently has two retired canines and that it assumes that two canines are alive in retirement at any given time. Thus, the fiscal impact to the county is expected to be \$5,000 annually.

The potential for public donations to be used to offset costs cannot be reliably estimated.

Additional Comments: Because the bill authorizes a State law enforcement agency to accept public donations to meet the bill's requirements and requires that such donations be held in a separate account, it is assumed that any donations received under the bill are treated as special fund revenues.

Additional Information

Prior Introductions: HB 505 of 2015 passed the House with amendments but received an unfavorable report from the Senate Judicial Proceedings Committee.

Cross File: SB 917 (Senators Lee and Manno) – Judicial Proceedings.

Information Source(s): Department of Natural Resources; Department of State Police; Maryland Department of Transportation; Baltimore, Dorchester, Garrett, and Montgomery counties; City of College Park; Department of Legislative Services

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min/lgc

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