

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 925

(Senators Ready and Hough)

Judicial Proceedings

Criminal Law - Dangerous and Potentially Dangerous Dogs - Classification and Requirements

This bill repeals existing provisions that relate to dangerous dogs and establishes new provisions relating to the classification of dogs as potentially dangerous or dangerous. The bill requires, with specified exceptions, an appropriate unit of a county or municipality to classify a dog as *potentially dangerous* if the unit finds that the dog has exhibited specified level 1 to level 4 behavior. Before classifying a dog as potentially dangerous, the unit must conduct a specified investigation. The bill (1) requires an appropriate unit of a county or municipality to classify a dog as *dangerous* under specified circumstances; (2) establishes various actions a classifying unit may and must take after such a classification; (3) establishes various actions the owner or keeper of the dog may and must take in response to such a classification; and (4) identifies specified circumstances under which a unit must declassify a dog as potentially dangerous or dangerous. Violators are guilty of a misdemeanor punishable by a fine of up to \$2,500. The bill does not apply to a dog owned by and working for a government agency or law enforcement unit.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances or operations.

Local Effect: The bill has an operational effect on local governments and may also increase local expenditures, as discussed below. Local revenues may increase minimally. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary:

Levels of Behavior

The bill establishes the following levels of behavior:

- “Level 1 behavior” means that a dog, while at large, is a menace, chases, displays threatening or aggressive behavior, or otherwise threatens or endangers the safety of a person;
- “Level 2 behavior” means that a dog, while at large, causes physical injury to a domestic animal;
- “Level 3 behavior” means that a dog, while not at large, aggressively bites a person; and
- “Level 4 behavior” means that a dog, while at large, aggressively bites a person or kills or causes the death of a domestic animal or livestock; the term includes repeated level 3 behavior after the owner or keeper received notice of a level 3 behavior classification.

Potentially Dangerous Dog

An appropriate unit of a county or municipality must classify a dog as potentially dangerous if the unit finds that the dog has exhibited level 1, 2, 3, or 4 behavior. Before classifying a dog, the classifying unit must conduct an investigation with an observation of and testimony about the dog’s behavior, including (1) the dog’s upbringing; (2) the control of the dog by the owner or keeper; and (3) other relevant evidence.

A unit may refrain from classifying a dog as potentially dangerous if the unit determines that the behavior was (1) the result of the victim abusing or tormenting the dog; (2) directed toward a trespasser; or (3) the result of other mitigating or extenuating circumstances.

Dangerous Dog

An appropriate unit of a county or municipality must classify a dog as a dangerous dog if the unit finds that the dog (1) whether or not at large, caused serious injury to or death of any person or (2) was used as a weapon in the commission of a crime.

A unit may refrain from classifying a dog as a dangerous dog if the unit determines that the behavior was (1) the result of the victim abusing or tormenting the dog; (2) directed

toward a trespasser; or (3) the result of other mitigating or extenuating circumstances that indicate that the dog does not constitute an unreasonable risk to human life or property.

A unit must order a dangerous dog to be euthanized unless (1) the dog is placed in a dangerous animal facility and the dog does not constitute an unreasonable risk to human life or property while housed in the dangerous animal facility or (2) there is not a reasonable likelihood of repeat dangerous behavior by the dog.

Notification to Owner/Keeper

Within seven days after a classification determination under the bill, the classifying unit must provide the dog's owner or keeper written notice of the classification and the reason for the classification. A dog's owner or keeper may appeal the unit's classification by filing a written request for a hearing with the unit within seven days after receiving the notice.

Owner/Keeper Responsibilities

A unit may require the owner or keeper of the dog to (1) pay a fee set by the unit for registration of a classified dog; (2) obtain and maintain public liability insurance; and (3) complete a responsible pet ownership program.

The owner or keeper of a dog that is classified as potentially dangerous or dangerous must comply with specified conditions. For example, the owner or keeper of a dog classified as exhibiting level 1 behavior must (1) restrain the dog so as not to be at large by a physical device or structure, in a manner that prevents the dog from reaching a public sidewalk or adjoining property, and (2) ensure the dog is located so as not to interfere with the public's legal access to the premises of the owner or keeper whenever the dog is outside the home of the owner or keeper and not on a leash. The owner or keeper of a dog classified as exhibiting level 3 or level 4 behavior must (1) confine the dog within a secure enclosure, located so as not to interfere with the public's legal access to the premises of the owner or keeper, whenever the dog is not on a leash; (2) post warning signs on the premises where the dog is kept; (3) if required by the unit, obtain and maintain proof of public liability insurance; (4) refrain from taking the dog off the premises of the owner or keeper unless the dog is muzzled and restrained by an adequate leash and under control of a capable person; and (5) if required by the unit, complete a responsible pet ownership program.

Identifying Mark

A dog that has been classified as potentially dangerous or dangerous must be identified with a permanent identifying mark in a manner determined by the classifying unit.

Declassification

A unit must declassify a dog classified as potentially dangerous or dangerous if (1) a dog classified at level 1 or 2 has not exhibited additional level 1, 2, 3, or 4 behavior within one year after the classification or a dog classified at level 3 or 4 has not exhibited additional level 1, 2, 3, or 4 behavior within two years after the classification; (2) there have been no violations of specified conditions; and (3) the owner or keeper provides the unit with written certification of completion of obedience training for the dog.

Current Law: Section 10-619 of the Criminal Law Article addresses dangerous dogs. A “dangerous dog” means a dog that:

- without provocation has killed or inflicted severe injury on a person; or
- is determined by the appropriate unit of a county or municipality to be a potentially dangerous dog and, after the determination is made, (1) bites a person; (2) when not on its owner’s real property, kills or inflicts severe injury on a domestic animal; or (3) attacks without provocation.

An appropriate unit of a county or municipality may determine that a dog is potentially dangerous if the unit:

- finds that the dog (1) has inflicted a bite on a person while on public or private real property; (2) when not on its owner’s real property, has killed or inflicted severe injury on a domestic animal; or (3) has attacked without provocation; and
- notifies the dog owner in writing of the reasons for this determination.

A dog owner may not (1) leave a dangerous dog unattended on the owner’s real property unless the dog is confined indoors, in a securely enclosed and locked pen, or in another structure designed to restrain the dog or (2) allow a dangerous dog to leave the owner’s real property unless the dog is leashed and muzzled, or is otherwise securely restrained and muzzled.

An owner of a dangerous dog or potentially dangerous dog who sells or gives the dog to another must notify in writing (1) the authority that made the determination that the dog is potentially dangerous, of the name and address of the new owner of the dog and (2) the person taking possession of the dog, of the dangerous behavior or potentially dangerous behavior of the dog.

Violators are guilty of a misdemeanor, punishable by a fine of up to \$2,500.

These provisions do not apply to a dog owned by and working for a governmental or law enforcement unit.

Background: Exhibit 1 contains fiscal 2019 data on the number of filings and convictions under the current law related to dangerous dogs.

**Exhibit 1
District Court Violations and Convictions
Fiscal 2019**

	<u>Filings</u>	<u>Convictions</u>
CR § 10-619(d)(1) – Dangerous Dog – Fail to Confine	10	1
CR § 10-619(d)(2) – Dangerous Dog – Fail to Restrain	12	0
CR § 10-619(e)(2) – Dangerous Dog – Sell w/o Notice	1	0

Source: Maryland Judiciary

Local Revenues: Revenues may increase minimally to the extent registration fees are collected by animal control units from owners or keepers of dogs classified as potentially dangerous or dangerous. The extent to which units will do so is unknown.

Local Expenditures: The bill changes the manner in which local governments regulate dangerous dogs, affecting animal control units at least operationally. Montgomery County indicates that the bill has a significant operational effect on the county’s animal services division; however, it is unclear whether that may result in an increase in its expenditures. Baltimore City and Worcester County report that the bill has minimal fiscal impact on their animal control units. Kent County reports that the bill has no impact.

The provisions that could increase local government expenditures include (1) the required investigation before classifying a dog as potentially dangerous and (2) the appeal process an owner may pursue after a dog is classified as potentially dangerous or dangerous.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): cities of Baltimore and Westminster; towns of Bel Air and Leonardtown; Kent, Montgomery, and Worcester counties; Maryland Association of Counties; Maryland Municipal League; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Maryland Insurance Administration; Department of Legislative Services

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