

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 406

(Delegate Lehman, *et al.*)

Environment and Transportation

Judicial Proceedings

Crimes - Unattended Dogs in Extreme Weather Conditions

This bill generally prohibits a person from leaving a dog outside and unattended for longer than 30 minutes without access to continuous “suitable shelter” during “extreme weather conditions.” This prohibition does not apply if the dog is lawfully and actively engaged in (1) hunting; (2) livestock herding; (3) sledding; (4) “sporting”; or (5) training. Violators are guilty of a civil offense punishable by a warning for a first violation, a civil penalty of up to \$500 for a second violation, and a civil penalty of up to \$1,000 for a third or subsequent violation.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to the bill’s penalty provision. Expenditures are not affected.

Local Effect: The bill is not expected to materially affect local government finances.

Small Business Effect: None.

Analysis

Bill Summary: “Extreme weather conditions” means temperatures below 32 degrees Fahrenheit or above 90 degrees Fahrenheit, or during an active weather warning issued by the National Weather Service. “Suitable shelter” means a structure that (1) is properly ventilated; (2) has a solid floor that is raised off the ground; (3) has a weatherproof roof; (4) has four walls, one of which contains a doorway; (5) has insulation to allow a dog to maintain its normal body temperature; and (6) is suitable for the species, age, condition, size, and type of dog. “Suitable shelter” does not include (1) a crawl space that is under a

building or part of a building; (2) the space under a vehicle; (3) a floor consisting of wire or chain link; or (4) a structure made from cardboard or other materials that are easily degraded by the elements. “Sporting” means any athletic competition, skill competition, obedience competition, or other competition intended for the participation of dogs.

The bill establishes that the bill’s prohibition, and an existing prohibition (discussed below) against leaving a dog outside and unattended by use of specified types of restraints, does not prohibit a local government from adopting a requirement for the health and safety of dogs that is more stringent than those prohibitions.

Current Law: A person may not leave a dog outside and unattended by use of a restraint (1) that unreasonably limits the movement of the dog; (2) 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; (3) that restricts the access of the dog to suitable and sufficient clean water or appropriate shelter; (4) in unsafe or unsanitary conditions; or (5) that causes injury to the dog. “Restraint” and “collar” are statutorily defined terms. In addition, a person who has charge or custody of an animal, as owner or otherwise, may not unnecessarily fail to provide the animal with, among other things, proper shelter or proper protection from the weather.

A violation of any of these prohibitions is a misdemeanor, punishable by imprisonment for up to 90 days and/or a \$1,000 maximum fine. (This penalty is not changed by the bill).

Additional Information

Prior Introductions: HB 501 of 2019, a similar bill, received an unfavorable report from the House Environment and Transportation Committee.

Designated Cross File: SB 627 (Senator Kramer, *et al.*) - Judicial Proceedings.

Information Source(s): Anne Arundel, Baltimore, Charles, Frederick, and Montgomery counties; City of Havre de Grace; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State’s Attorneys’ Association; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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