

Chapter 90

(Senate Bill 156)

AN ACT concerning

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

FOR the purpose of requiring certain State and local law enforcement agencies to reimburse individuals who take possession of dogs formerly used in law enforcement work under certain circumstances for certain veterinary treatment; specifying that the reimbursement may be only for certain veterinary treatment and may not exceed a certain amount of money; authorizing certain State law enforcement agencies to accept public donations for the payment of certain veterinary expenses; authorizing certain State law enforcement agencies to accept certain donations; requiring that certain donations accepted by a State law enforcement agency be disbursed to the K–9 Compassionate Care Fund; authorizing certain local law enforcement agencies to establish a separate fund to accept public donations for the payment of certain veterinary expenses; establishing the K–9 Compassionate Care Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Department of State Police to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; defining a certain term; providing for the application of this Act; and generally relating to dogs formerly used for law enforcement work.

BY adding to

Article – Public Safety
Section 3–523
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2015 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement
Section 6–226(a)(2)(ii)122. and 123.
Annotated Code of Maryland
(2015 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement
 Section 6–226(a)(2)(ii)124.
 Annotated Code of Maryland
 (2015 Replacement Volume and 2020 Supplement)

Preamble

WHEREAS, Law enforcement dogs have become an integral part of many law enforcement efforts statewide, including suspect apprehension through tracking and searching, evidence location, drug and bomb detection, and search and rescue operations; and

WHEREAS, Law enforcement agencies agree that the use of law enforcement dogs is an extremely cost-effective means for crime control and that these dogs possess skills and abilities that frequently exceed the capabilities of existing technology; and

WHEREAS, The work of law enforcement dogs is often dangerous and can cause these dogs to incur injuries at a rate higher than the rate of injury that occurs with respect to nonworking dogs; and

WHEREAS, Law enforcement dogs provide significant contributions to the welfare and safety of residents of Maryland; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 That the Laws of Maryland read as follows:

Article – Public Safety

3–523.

(A) (1) THIS SECTION APPLIES ONLY TO PUBLICLY OWNED DOGS THAT ARE LICENSED UNDER § 2–313 OF THIS ARTICLE.

(2) A STATE OR LOCAL LAW ENFORCEMENT AGENCY THAT REMOVES FROM DUTY A DOG USED IN LAW ENFORCEMENT WORK SHALL REIMBURSE AN INDIVIDUAL WHO, UNDER A WRITTEN AGREEMENT WITH THE LAW ENFORCEMENT AGENCY, TAKES POSSESSION OF THE DOG ON OR AFTER OCTOBER 1, 2020, FOR REASONABLE AND NECESSARY VETERINARY TREATMENT PROVIDED TO THE DOG.

(3) REIMBURSEMENT UNDER PARAGRAPH (2) OF THIS SUBSECTION:

(I) MAY BE ONLY FOR USUAL AND CUSTOMARY VETERINARY TREATMENT THAT IS NOT ATTRIBUTABLE TO ABUSE OR NEGLIGENCE OF THE DOG AND IS VERIFIED BY WRITTEN RECEIPT; AND

(II) MAY NOT EXCEED \$2,500 DURING A CALENDAR YEAR AND \$10,000 OVER THE LIFE OF THE DOG.

(4) (I) 1. A STATE LAW ENFORCEMENT AGENCY MAY ACCEPT PUBLIC DONATIONS TO MEET THE REQUIREMENTS OF THIS SECTION.

2. THE REVENUE FROM DONATIONS BY THE PUBLIC SHALL BE DISTRIBUTED TO THE K-9 COMPASSIONATE CARE FUND, WHICH IS NOT SUBJECT TO APPROPRIATION BY THE GOVERNOR, TO BE USED ONLY TO MEET THE REQUIREMENTS OF THIS SECTION.

(II) A LOCAL LAW ENFORCEMENT AGENCY MAY ESTABLISH A SEPARATE FUND TO ACCEPT AND MANAGE PUBLIC DONATIONS IN ORDER TO MEET THE REQUIREMENTS OF THIS SECTION.

(B) (1) IN THIS SECTION, "FUND" MEANS THE K-9 COMPASSIONATE CARE FUND.

(2) THERE IS A K-9 COMPASSIONATE CARE FUND.

(3) THE PURPOSE OF THE FUND IS TO PROVIDE FOR VETERINARY CARE OF RETIRED STATE LAW ENFORCEMENT DOGS ADOPTED UNDER SUBSECTION (A) OF THIS SECTION.

(4) THE DEPARTMENT OF STATE POLICE SHALL ADMINISTER THE FUND.

(5) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(II) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(6) THE FUND CONSISTS OF:

(I) PUBLIC DONATIONS ACCEPTED BY A STATE LAW ENFORCEMENT AGENCY UNDER SUBSECTION (A)(4) OF THIS SECTION;

(II) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(III) INTEREST EARNINGS; AND

(IV) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED

FOR THE BENEFIT OF THE FUND.

(7) THE FUND MAY BE USED ONLY FOR THE REIMBURSEMENT OF USUAL AND CUSTOMARY VETERINARY TREATMENT THAT IS NOT ATTRIBUTABLE TO ABUSE OR NEGLIGENCE OF AN ADOPTED FORMER STATE LAW ENFORCEMENT DOG THAT IS VERIFIED BY WRITTEN RECEIPTS AND FOR ADMINISTRATIVE EXPENSES.

(8) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(9) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

(10) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

(11) MONEY EXPENDED FROM THE FUND FOR THE VETERINARY CARE OF RETIRED STATE LAW ENFORCEMENT DOGS ADOPTED UNDER SUBSECTION (A) OF THIS SECTION IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT WOULD OTHERWISE BE APPROPRIATED FOR THE VETERINARY CARE OF RETIRED STATE LAW ENFORCEMENT DOGS.

Article – State Finance and Procurement

6–226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

122. the Racing and Community Development Financing Fund;

[and]

123. the Racing and Community Development Facilities Fund;

AND

124. THE K–9 COMPASSIONATE CARE FUND.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2021.

Approved by the Governor, April 13, 2021.