

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 81

(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: The bill is not expected to materially affect State finances, as discussed below.

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).

State Fiscal Effect: Overall, the bill is not expected to materially affect State finances.

The Department of Public Safety and Correctional Services (DPSCS) indicates that it anticipates costs of \$41,725 in fiscal 2022, and \$2,300 annually thereafter, to upgrade the department’s kennel in Hagerstown in order to comply with the bill; however, the Department of Legislative Services advises that it is not clear to what extent upgrade costs at that facility result solely from the bill. Current law already requires that proper shelter and proper protection from the weather be provided to animals, and the costs identified by DPSCS include costs to provide air conditioning and heating for the kennel, which are not explicitly required under the bill.

Any increase in general fund revenues due to the bill’s penalty provision is expected to be minimal.

Additional Information

Prior Introductions: HB 406 of 2020, as amended, passed the House and was referred to the Senate Judicial Proceedings Committee, but no further action was taken. Its cross file,

SB 627, received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken. HB 501 of 2019, a similar bill, received an unfavorable report from the House Environment and Transportation Committee.

Designated Cross File: SB 122 (Senator Kramer) - Judicial Proceedings.

Information Source(s): Caroline, Howard, and Prince George's counties; Baltimore City; City of Bowie; Department of Public Safety and Correctional Services; 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 State Police; Department of Legislative Services

Fiscal Note History: First Reader - January 13, 2021
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Analysis by: Tyler Allard

Direct Inquiries to:
(410) 946-5510
(301) 970-5510