

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 154
Judiciary

(Delegate Bartlett, *et al.*)

Civil Actions - Tortious Injury to or Death of Pet - Compensatory Damages
(Buddy's Law)

This bill increases, from \$10,000 to \$25,000, the maximum amount of compensatory damages that may be awarded to the owner of a pet from a person who tortiously causes an injury to or the death of the pet under specified circumstances.

Fiscal Summary

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

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

Small Business Effect: None.

Analysis

Current Law: A person who tortiously causes an injury to or the death of a pet while acting individually or through an animal under the person's ownership, direction, or control is liable to the owner of the pet for up to \$10,000 in compensatory damages. The current damages cap went into effect on October 1, 2017.

“Pet” means a domesticated animal and does not include livestock. “Compensatory damages” mean (1) the reasonable and necessary cost of veterinary care for a pet that was injured and (2) in a case involving the death of a pet, the fair market value of the pet before death and the reasonable and necessary cost of veterinary care.

In September 2020, the Maryland Court of Appeals considered whether § 11-110 of the Courts and Judicial Proceedings Article (the statute amended by the bill) applies to the total damages awarded in an applicable case and whether the statute authorizes noneconomic damages (damages for pain and suffering) for the death of a pet when it heard oral arguments in *Anne Arundel County et al. v. Michael H. Reeves*, No. 68, September Term 2019. The case involves a dog, Vern, who was shot and killed by an Anne Arundel County police officer in 2014 when the officer was investigating a series of daytime burglaries in a residential neighborhood. Mr. Reeves (owner of the dog) sued the county, the officer, and the county's chief of police for gross negligence, trespass to chattels, violations of Articles 24 and 26 of the Maryland Declaration of Rights, and other claims that were later bifurcated into a separate case.

The jury awarded Mr. Reeves \$500,000 in economic damages and \$750,000 in noneconomic damages for gross negligence, \$10,000 for trespass to chattel, and no damages for the constitutional claims. The court reduced the award for gross negligence to \$200,000 pursuant to the liability limit under the Local Government Tort Claims Act (LGTCA) in 2014 and \$7,500 for the trespass to chattel claim pursuant to the cap on damages under § 11-110 in effect in 2014. The county appealed to the Court of Special Appeals, arguing that the total damages awarded should not exceed \$7,500. The Court of Special Appeals rejected this argument based on a prior decision in a case involving a police shooting of a dog but did reduce the total award to \$200,000, citing the liability limit under the LGTCA. The county appealed to the Court of Appeals, once again seeking to apply the \$7,500 cap on damages under § 11-110 to the entire award in the case. The oral arguments before the Court of Appeals involved an extensive discussion of the legislative intent behind § 11-110. The Court of Appeals has not issued a decision in the case.

Additional Comments: Buddy was a miniature schnauzer who was allegedly shot and killed by his owners' neighbors in Anne Arundel County in June 2018. His owners spent more than \$29,000 on Buddy's veterinary care related to the shooting and legal fees for a civil lawsuit against the neighbors.

Additional Information

Prior Introductions: HB 992 of 2020 received a hearing in the House Judiciary Committee, but no further action was taken. Its cross file, SB 997, received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

Designated Cross File: SB 292 (Senator Beidle) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts); *Maryland Daily Record*; *Capital Gazette*; Department of Legislative Services

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