

SENATE BILL 44

E1
SB 122/21 – JPR

(PRE-FILED)

2lr0784
CF HB 16

By: **Senators West, Jackson, Kramer, and Sydnor**

Requested: October 15, 2021

Introduced and read first time: January 12, 2022

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted with floor amendments

Read second time: March 8, 2022

CHAPTER _____

1 AN ACT concerning

2 **Crimes – Unattended Dogs – Extreme Weather Conditions and Heat**

3 FOR the purpose of prohibiting a person from leaving a dog outside and unattended for
4 longer than a certain period without access to certain suitable shelter or suitable
5 shade during certain weather conditions or temperatures, subject to certain
6 exceptions; and generally relating to leaving unattended dogs outside.

7 BY repealing and reenacting, with amendments,

8 Article – Criminal Law

9 Section 10–623

10 Annotated Code of Maryland

11 (2021 Replacement Volume and 2021 Supplement)

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

14 **Article – Criminal Law**

15 10–623.

16 (a) (1) In this section the following words have the meanings indicated.

17 (2) “Collar” means a device constructed of nylon, leather, or similar
18 material specifically designed to be used around the neck of a dog.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (3) ~~(H)~~ “EXTREME WEATHER CONDITIONS” MEANS
 2 TEMPERATURES BELOW 32 DEGREES FAHRENHEIT OR CONDITIONS DURING AN
 3 ACTIVE WINTER OR COLD WEATHER WARNING OR ADVISORY ISSUED BY THE
 4 NATIONAL WEATHER SERVICE.

5 ~~(H) “EXTREME WEATHER CONDITIONS” DOES NOT INCLUDE~~
 6 ~~MARINE WARNINGS OR ADVISORIES ISSUED BY THE NATIONAL WEATHER SERVICE.~~

7 [(3)] (4) “Restraint” means a chain, rope, tether, leash, cable, or other
 8 device that attaches a dog to a stationary object or trolley system.

9 (5) “SPORTING” MEANS ANY ATHLETIC COMPETITION, SKILL
 10 COMPETITION, OBEDIENCE COMPETITION, OR OTHER COMPETITION INTENDED FOR
 11 THE PARTICIPATION OF DOGS.

12 (6) “SUITABLE SHADE” MEANS AN AREA COMPLETELY PROTECTED
 13 FROM THE DIRECT SUN THAT IS ACCESSIBLE AND FULLY COVERS A DOG.

14 (7) ~~(H)~~ “SUITABLE SHELTER” MEANS A STRUCTURE THAT:

15 ~~1.~~ (I) IS PROPERLY VENTILATED;

16 ~~2.~~ (II) HAS A SOLID FLOOR THAT ~~IS RAISED OFF THE GROUND~~
 17 ~~OR A SOLID FLOOR THAT IS PROPERLY INSULATED~~ ALLOWS THE DOG TO REMAIN
 18 REASONABLY DRY;

19 ~~3.~~ (III) HAS A WEATHERPROOF ROOF;

20 ~~4.~~ (IV) ~~HAS FOUR WALLS, ONE OF WHICH CONTAINS A~~
 21 ~~DOORWAY~~ IS ENCLOSED WITH AN ENTRANCE ON ONE SIDE;

22 ~~5.~~ (V) ~~HAS INSULATION TO ALLOW~~ ALLOWS A DOG TO
 23 MAINTAIN ITS NORMAL BODY TEMPERATURE; AND

24 ~~6.~~ (VI) IS SUITABLE FOR THE SPECIES, AGE,
 25 CONDITION, SIZE, AND TYPE OF DOG.

26 ~~(H) “SUITABLE SHELTER” DOES NOT INCLUDE:~~

27 ~~1.~~ ~~A CRAWL SPACE THAT IS UNDER A BUILDING OR PART~~
 28 ~~OF A BUILDING;~~

29 ~~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.~~

(b) 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:

(i) is made primarily of metal; or

(ii) is not at least as large as the circumference of the dog's neck plus 1 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.

(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A PERSON MAY NOT LEAVE A DOG OUTSIDE AND UNATTENDED FOR LONGER THAN 30 MINUTES WITHOUT ACCESS TO CONTINUOUS:

(1) SUITABLE SHELTER DURING EXTREME WEATHER CONDITIONS;
AND

(2) SUITABLE SHELTER OR SUITABLE SHADE WHEN TEMPERATURES ARE ABOVE 90 DEGREES FAHRENHEIT ~~BUT BELOW WHAT IS REQUIRED FOR A HEAT ADVISORY.~~

(D) THE PROHIBITION IN SUBSECTION (C) OF THIS SECTION DOES NOT APPLY IF THE DOG IS LAWFULLY AND ACTIVELY ENGAGED IN:

(1) HUNTING;

(2) LIVESTOCK HERDING OR GUARDING;

(3) SLEDDING;

(4) SPORTING; OR

1 **(5) TRAINING.**

2 **[(c)] (E) (1)** A person who violates **SUBSECTION (B) OF** this section is guilty
3 of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a
4 fine not exceeding \$1,000 or both.

5 **(2) A VIOLATION OF SUBSECTION (C) OF THIS SECTION IS A CIVIL**
6 **OFFENSE PUNISHABLE BY:**

7 **(I) FOR A FIRST VIOLATION, A WARNING;**

8 **(II) FOR A SECOND VIOLATION, A CIVIL PENALTY OF UP TO \$500;**

9 **AND**

10 **(III) FOR A THIRD OR SUBSEQUENT VIOLATION, A CIVIL PENALTY**
11 **OF UP TO \$1,000.**

12 **(F) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A LOCAL**
13 **GOVERNMENT FROM ADOPTING A REQUIREMENT FOR THE HEALTH AND SAFETY OF**
14 **DOGS THAT IS MORE STRINGENT THAN THE REQUIREMENTS OF THIS SECTION.**

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2022.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.