

Department of Legislative Services

Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 44

(Senator West, *et al.*)

Judicial Proceedings

Environment and Transportation

Crimes - Unattended Dogs - Extreme Weather Conditions and Heat

This bill prohibits a person from leaving a dog outside and unattended for longer than 30 minutes without access to specified shelter/shade during certain weather conditions.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances. Any increase in general fund revenues due to the bill's penalty provision is expected to be minimal.

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

Small Business Effect: None.

Analysis

Bill Summary: 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. 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. The prohibition does not apply if the dog is lawfully and actively engaged in (1) hunting; (2) livestock herding or guarding; (3) sledding; (4) sporting; or (5) training.

"Extreme weather conditions" means temperatures below 32 degrees Fahrenheit or conditions during an active winter or cold weather warning or advisory issued by the National Weather Service.

“Suitable shelter” means a structure that (1) is properly ventilated; (2) has a solid floor that allows the dog to remain reasonably dry; (3) has a weatherproof roof; (4) is enclosed with an entrance on one side; (5) allows a dog to maintain its normal body temperature; and (6) is suitable for the species, age, condition, size, and type of dog.

“Suitable shade” means an area completely protected from the direct sun that is accessible and fully covers a dog.

“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, do 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 these existing prohibitions is a misdemeanor, punishable by imprisonment for up to 90 days and/or a \$1,000 maximum fine.

Additional Information

Prior Introductions: HB 81 of 2021, a similar bill, passed the House and was referred to the Senate Judicial Proceedings Committee, but no further action was taken. Its cross file, SB 122, received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken. HB 406 of 2020, a similar bill, passed the House with amendments 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: HB 16 (Delegate Lehman, *et al.*) - Environment and Transportation.

Information Source(s): Baltimore City; Harford, Montgomery, Talbot, and Wicomico 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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Analysis by: Tyler Allard

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