

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 965
Judiciary

(Delegate Kipke)

Judicial Proceedings

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

This bill increases, from \$10,000 to \$15,000, 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 a 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 *Anne Arundel County, Maryland and Rodney Price v. Michael H. Reeves*, 474 Md. 46 (2021), the Court of Appeals held that § 11-110 of the Courts and Judicial Proceedings Article (the statute amended by the bill) defines and caps the recovery of compensatory damages for the tortious injury or death of a pet to the amount specified by the statute (currently \$10,000) and does not allow for the recovery of additional uncapped compensatory damages, including noneconomic damages. The court specifically noted that while its analysis is based on the statutory language, “[t]he Legislature may wish to amend CJP § 11-110 in response to the various policy arguments in this case in order to allow for other forms of compensatory damages in cases involving the tortious injury or death of pets.”

The case concerned the fatal shooting of a Chesapeake Bay Retriever by an Anne Arundel County police officer while the officer was canvassing a neighborhood for information regarding a series of burglaries. The case involved claims of trespass to chattel, violations of constitutional rights under the Maryland Declaration of Rights, and gross negligence. A detailed summary of this case can be found in the [2021 Court of Appeals Cases and Decisions Update](#).

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: Similar bills have been introduced during previous legislative sessions. SB 292 of 2021 received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken. Its cross file, HB 154, received a hearing in the House Judiciary Committee, but no further action was taken. 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: None.

Information Source(s): Baltimore, Carroll, Harford, Montgomery, and St. Mary’s counties; City of Salisbury; towns of Bel Air and Leonardtown; Maryland State Treasurer’s Office; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; *Capital Gazette*; Department of Legislative Services

Fiscal Note History:
fnu2/jkb

First Reader - February 28, 2022

Third Reader - March 22, 2022

Revised - Amendment(s) - March 22, 2022

Analysis by: Amy A. Devadas

Direct Inquiries to:

(410) 946-5510

(301) 970-5510