

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 868

(Senator Ready, *et al.*)

Judicial Proceedings

Civil Actions – Injury to or Death of Pet – Damages

This bill repeals the cap on compensatory damages (currently \$10,000) for the tortious injury to or death of a pet.

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 government finances or operations.

Small Business Effect: Minimal.

Analysis

Current Law:

Section 11-110 of the Courts and Judicial Proceedings Article – Tortious Injury to Pets

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.

Section 10-626 of the Criminal Law Article – Killing or Harming Service Animals

A person may not willfully and maliciously (1) kill a service animal or allow an animal that the person owns or over which the person has immediate control to kill a service animal; (2) injure a service animal or allow an animal that the person owns or over which the person has immediate control to injure a service animal; or (3) interfere with the use of a service animal or allow an animal that the person owns or over which the person has immediate control to interfere with the use of a service animal.

Killing or injuring a service animal is a misdemeanor punishable by imprisonment for up to two years and/or a maximum fine of \$2,500. Interfering with the use of a service animal is a misdemeanor punishable by imprisonment for up to one year and/or a maximum fine of \$1,000.

As a condition of sentencing, the court may order a defendant convicted of this offense to pay, in addition to fines and costs, full restitution for all damages arising out of the offense, including (1) the value of the service animal; (2) replacement and training or retraining expenses for the service animal and handler; (3) veterinary and other medical and boarding expenses for the service animal; (4) medical expenses for the handler; and (5) lost wages or income incurred by the handler during any period that the handler is without the services of the service animal. There is no cap on this restitution.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - February 27, 2024
km/jkb

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