

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 438
Judiciary

(Delegate Bartlett, *et al.*)

Civil Actions - Tortious Injury to or Death of Pet - Compensatory Damages

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 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 government 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 (now the Supreme Court of Maryland) 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 Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 965 of 2022.

Designated Cross File: SB 581 (Senator Henson) - Judicial Proceedings.

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

Fiscal Note History: First Reader - February 2, 2025
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