

MARYLAND STATE BAR ASSOCIATION ANIMAL LAW SECTION

March 1, 2022

Senator William C. Smith, Chair
Senator Susan C. Lee
Senate Judicial Proceedings Committee
Miller Senate Office Building
Annapolis, Maryland 21401

RE: Maryland State Bar Association Animal Law Section – Support SB 815

Dear Senator Smith, Senator Lee, and Senate Judiciary Committee Members,

The Animal Law Section of the Maryland State Bar Association supports the passing of SB 815, a bill which would permit recovery of noneconomic damages and establish exceptions to the current cap on damages for the tortious an injury or death of a pet.

The unique value of a companion animal is a challenging and fact specific inquiry. Current legislation does not adequately compensate for the scope of damages resulting from tortious injury or death of a pet, allowing recovery for only the fair market value of the pet and the cost of veterinary treatment. The maximum recovery is capped at \$10,000.00

Sentience and self-awareness are distinguishing characteristics of both companion animals and their owners, and these traits nurture relationships that transcend economic value. Suffering and death are uniquely painful to self-aware beings, particularly when the pet is capable of understanding that the damage is inflicted with negligence, intent, or malice.

We must empathize with the emotional toll paid when a cherished companion suffers at the hands of malice. Litigation will not bring back the dead, but it is well-established that non-economic damages are a way in which we make an injured plaintiff whole. It is quite reasonable that a pet owner would suffer non-economic damages if a tortfeasor acts to injure or kill a pet with gross negligence, intent, or malice. An award of damages should adequately consider the totality of the evidence, including the suffering and actual financial burden.

The need for this legislation is highlighted by the Court of Appeals of Maryland's recent ruling in *Anne Arundel Cnty. v. Reeves* (Md. App. 2021). In *Reeves*, the Court specifically stated that Md. CJ §11-110 did not permit recovery in excess of the statutory cap, and further stated that other forms of recovery, such as claims for non-economic damages, were not available to a Plaintiff seeking damages under said law. As a result, **only the legislature has the power to remedy the injustice of our current law.**

Thank you for the time and consideration that you have dedicated to this written testimony. The Maryland State Bar Association Animal Law Section is hopeful that you will vote in favor of SB 815.

Respectfully Submitted,

/s/

Kimberly Fullerton

Immediate Past Chair

Maryland State Bar Association Animal Law Section