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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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Senate Judicial Proceedings Committee

**Senate Bill 815 – FAVORABLE - Civil Actions – Tortious Injury to or Death of
Pet – Damages**

Senate Bill 815 establishes that noneconomic damages may be awarded in cases of tortious injury or death to a pet only when there is a proven element of malice, intent, gross negligence or a violation of state constitutional rights. Unlike other versions of this bill that have sought to raise the cap of economic damages, this bill merely removes the noneconomic damages prohibition if there is recklessness or general intent that is proven. Because of this higher burden, veterinarians' mere negligence cannot trigger noneconomic damages alone. Veterinarians do not get insurance coverage for intentional torts, or ones where there is gross negligence, so the insurance rates will not increase under this language. Again, this bill only allows courts to compensate a party for noneconomic damages when a defendant crosses the threshold of gross negligence, malice, intent, or a violation of the Maryland Declaration of Rights.

The Maryland Court of Appeals decision in Anne Arundel County and Rodney Price v Michael Reeves was decided last year and was an impetus for this legislation. In that matter, while conducting a neighborhood canvass related to burglaries, a County Officer Price knocked on the Reeves' door, received no answer, and moved to the driveway, at which time he was approached by the Reeves Chesapeake Bay Retriever, Vern. The pet barked at the officer once and placed both front paws on the officer. The officer shot Vern twice, killing him. The jury found in favor of Mr. Reeves, finding Officer Price committed trespass to chattel, acted in gross negligence, and violated Mr. Reeves' constitutional rights. The jury awarded Mr. Reeves \$1.25 million in damages- including \$750,000 in noneconomic damages related to gross negligence,

which was reduced by the court to \$200,000 in accordance with the Local Tort Claims Act (LTCA).

Upon appeal, while recognizing that a finding of gross negligence was appropriate, the Court of Appeals greatly reduced the Reeves award to \$7,500- at the time the cap under Courts and Judicial Proceedings § 11-110. The Court assessed the legislative history, plain language, and structure, and found silence on recovery of noneconomic damages. The Court refrained from creating new precedent, leaving the possibility of noneconomic damages for the legislature to address. The dissent argued that the elevated status of pets in modern society and rulings from other jurisdictions necessitate that owners receive the ability to recover increased damages when a pet is injured or killed by an act of gross negligence.

Our pets remain classified as property, about which we have balked and discussed numerous times in this committee. I do not seek to elevate their status but instead, recognize their importance in our lives and the emotions which we attach to our companions. Pets play numerous roles in our lives: that of a friend, a family protector, even a service provider. They have as much or more emotion attached as the most treasured of heirlooms. Unlike heirlooms, however, we have a cap of \$10,000 for the injury or loss of a pet. The Reeves court recognized that Officer Price's actions were grossly negligent. If it had been a \$200,000 statue destroyed by the officer, under the TCA, the Court likely would have agreed to the full value in damages. But because it was Vern, a beloved pet, § 11-110 simply would not allow damages beyond the cap.

An amendment is available for you to review as well, but it is simply a title for the bill to highlight this bill as "Buddy's Law" and ensure conformity to the cross-file's title. This bill is not aimed at any profession or type of tortfeasor, but it is specifically designed to avoid liability for veterinarians for mere negligence. My office has communicated with the American Veterinary Medical Association and Maryland Veterinary Medical Association representatives. This bill is not meant to open the floodgates for bringing suit against veterinarians and we believe that the gross negligence, intent, or malice language protects the veterinary community. I would be open to adding a specific carve-out for the veterinary community if the concerns are not alleviated by the language of the bill.

The Court of Appeals was clear that the judicial system's hands are tied in awarding anything more than allowed under § 11-110. Let us undo their restraint based on our lack of action over the past few years. We cannot bring back the pets who have been maimed so severely that their lives forever change nor the animals killed, but we can recognize that our pets mean more than a few months' rent. We should allow judges and juries the ability to award based upon noneconomic damages, when there is intent, malice or gross negligence. Finally, this bill does not change personal liability threshold for state or local employees, and other caps still apply.

For these reasons, I request a favorable report for SB815.