

MARYLAND STATE BAR ASSOCIATION ANIMAL LAW SECTION

February 27, 2024

RE: Maryland State Bar Association Animal Law Section – Support SB 868

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

The Animal Law Section of the Maryland State Bar Association supports SB 868, a bill which would eliminate the cap on economic damages for the tortious an injury or death of a pet.

The unique value of a companion animal is a 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. An award of damages should adequately consider the totality of the evidence and the actual financial burden of the injured party. Companion animals are the only type of property to have a statutorily capped recovery, so SB 868 will also correct an irregularity in Maryland law.

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 868.

Respectfully Submitted,

/s/

Kimberly Fullerton

Immediate Past Chair

Maryland State Bar Association Animal Law Section