

SENATE BILL 925

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By: **Senators Ready and Hough**

Introduced and read first time: February 3, 2020

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Dangerous and Potentially Dangerous Dogs – Classification and**
3 **Requirements**

4 FOR the purpose of repealing a certain provision of law authorizing an appropriate unit of
5 a county or municipal corporation to determine whether a dog is potentially
6 dangerous under certain circumstances and relating to ownership of a dangerous
7 dog; requiring an appropriate unit of a county or municipal corporation to classify a
8 certain dog by level of potential danger as determined by certain factors, subject to
9 certain exceptions; requiring a certain unit to provide a certain person written notice
10 of the classification of a certain dog and the reason for the classification; authorizing
11 a certain person to appeal a classification by a certain unit; requiring a certain unit
12 to classify a dog as dangerous under certain circumstances, subject to certain
13 exceptions; requiring a certain unit to euthanize a certain dog under certain
14 circumstances with certain exceptions; requiring a dog that has been classified under
15 a certain classification by a unit to be identified in a certain manner; authorizing a
16 unit to require a certain person, under certain circumstances, to pay a certain fee,
17 obtain and maintain public liability insurance, and complete a responsible pet
18 ownership program; requiring a certain person to comply with certain conditions if
19 a dog has been classified under a certain classification; requiring a certain unit to
20 declassify a dog under certain circumstances; providing that this Act does not apply
21 to certain dogs; establishing certain penalties for violations of this Act; defining
22 certain terms; and generally relating to the classification of dangerous and
23 potentially dangerous dogs.

24 BY repealing
25 Article – Criminal Law
26 Section 10–619
27 Annotated Code of Maryland
28 (2012 Replacement Volume and 2019 Supplement)

29 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Criminal Law

Section 10–619

Annotated Code of Maryland

(2012 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Criminal Law

[10–619.

(a) (1) In this section the following words have the meanings indicated.

(2) “Dangerous dog” means a dog that:

(i) without provocation has killed or inflicted severe injury on a person; or

(ii) is determined by the appropriate unit of a county or municipal corporation under subsection (c) of this section to be a potentially dangerous dog and, after the determination is made:

1. bites a person;

2. when not on its owner’s real property, kills or inflicts severe injury on a domestic animal; or

3. attacks without provocation.

(3) (i) “Owner’s real property” means real property owned or leased by the owner of a dog.

(ii) “Owner’s real property” does not include a public right-of-way or a common area of a condominium, apartment complex, or townhouse development.

(4) “Severe injury” means a physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

(b) This section does not apply to a dog owned by and working for a governmental or law enforcement unit.

(c) An appropriate unit of a county or municipal corporation may determine that a dog is potentially dangerous if the unit:

(1) finds that the dog:

(i) has inflicted a bite on a person while on public or private real property;

(ii) when not on its owner's real property, has killed or inflicted severe injury on a domestic animal; or

(iii) has attacked without provocation; and

(2) notifies the dog owner in writing of the reasons for this determination.

(d) A dog owner may not:

(1) leave a dangerous dog unattended on the owner's real property unless the dog is:

(i) confined indoors;

(ii) in a securely enclosed and locked pen; or

(iii) in another structure designed to restrain the dog; or

(2) allow a dangerous dog to leave the owner's real property unless the dog is leashed and muzzled, or is otherwise securely restrained and muzzled.

(e) An owner of a dangerous dog or potentially dangerous dog who sells or gives the dog to another shall notify in writing:

(1) the authority that made the determination under subsection (c) of this section, of the name and address of the new owner of the dog; and

(2) the person taking possession of the dog, of the dangerous behavior or potentially dangerous behavior of the dog.

(f) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$2,500.]

10-619.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "AT LARGE" MEANS A DOG THAT IS NOT PHYSICALLY RESTRAINED ON THE PREMISES OF AN OWNER OR A KEEPER, INCLUDING:

(I) WITHIN A VEHICLE IN A MANNER THAT DOES NOT PHYSICALLY PREVENT THE ANIMAL FROM LEAVING THE VEHICLE OR REACHING PUBLIC AREAS; AND

(II) WHEN ON PUBLIC PROPERTY OR A PUBLIC AREA, NOT PHYSICALLY RESTRAINED BY A LEASH, A TETHER, OR ANY OTHER PHYSICAL CONTROL DEVICE THAT DOES NOT EXCEED 8 FEET IN LENGTH AND UNDER THE PHYSICAL CONTROL OF A CAPABLE PERSON.

(3) "LEVEL 1 BEHAVIOR" MEANS THAT A DOG, WHILE AT LARGE, IS A MENACE, CHASES, DISPLAYS THREATENING OR AGGRESSIVE BEHAVIOR, OR OTHERWISE THREATENS OR ENDANGERS THE SAFETY OF A PERSON.

(4) "LEVEL 2 BEHAVIOR" MEANS THAT A DOG, WHILE AT LARGE, CAUSES PHYSICAL INJURY TO A DOMESTIC ANIMAL.

(5) "LEVEL 3 BEHAVIOR" MEANS THAT A DOG, WHILE NOT AT LARGE, AGGRESSIVELY BITES A PERSON.

(6) (I) "LEVEL 4 BEHAVIOR" MEANS THAT A DOG, WHILE AT LARGE:

1. AGGRESSIVELY BITES A PERSON; OR
2. KILLS OR CAUSES THE DEATH OF A DOMESTIC ANIMAL OR LIVESTOCK.

(II) "LEVEL 4 BEHAVIOR" INCLUDES REPEATED LEVEL 3 BEHAVIOR AFTER THE OWNER OR KEEPER RECEIVES NOTICE OF A LEVEL 3 BEHAVIOR CLASSIFICATION.

(B) THIS SECTION DOES NOT APPLY TO A DOG OWNED BY AND WORKING FOR A GOVERNMENT AGENCY OR LAW ENFORCEMENT UNIT.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, AN APPROPRIATE UNIT OF A COUNTY OR MUNICIPAL CORPORATION SHALL CLASSIFY A DOG AS POTENTIALLY DANGEROUS IF THE UNIT FINDS THAT THE DOG HAS EXHIBITED:

(I) LEVEL 1 BEHAVIOR;

(II) LEVEL 2 BEHAVIOR;

(III) LEVEL 3 BEHAVIOR; OR

(IV) LEVEL 4 BEHAVIOR.

(2) BEFORE CLASSIFYING A DOG UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE CLASSIFYING UNIT SHALL CONDUCT AN INVESTIGATION WITH AN OBSERVATION OF AND TESTIMONY ABOUT THE DOG'S BEHAVIOR, INCLUDING:

(I) THE DOG'S UPBRINGING;

(II) THE CONTROL OF THE DOG BY THE OWNER OR KEEPER; AND

(III) OTHER RELEVANT EVIDENCE.

(3) A UNIT MAY REFRAIN FROM CLASSIFYING A DOG AS POTENTIALLY DANGEROUS IF THE UNIT DETERMINES THAT THE BEHAVIOR WAS:

(I) THE RESULT OF THE VICTIM ABUSING OR TORMENTING THE DOG;

(II) DIRECTED TOWARD A TRESPASSER; OR

(III) THE RESULT OF OTHER MITIGATING OR EXTENUATING CIRCUMSTANCES.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN APPROPRIATE UNIT OF A COUNTY OR MUNICIPAL CORPORATION SHALL CLASSIFY A DOG AS A DANGEROUS DOG IF THE UNIT FINDS THAT THE DOG:

(I) WHETHER OR NOT AT LARGE, CAUSED SERIOUS INJURY TO OR DEATH OF ANY PERSON; OR

(II) WAS USED AS A WEAPON IN THE COMMISSION OF A CRIME.

(2) A UNIT MAY REFRAIN FROM CLASSIFYING A DOG AS A DANGEROUS DOG UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE UNIT DETERMINES THAT THE BEHAVIOR WAS:

(I) THE RESULT OF THE VICTIM ABUSING OR TORMENTING THE DOG;

(II) DIRECTED TOWARD A TRESPASSER; OR

(III) THE RESULT OF OTHER MITIGATING OR EXTENUATING CIRCUMSTANCES THAT INDICATE THAT THE DOG DOES NOT CONSTITUTE AN UNREASONABLE RISK TO HUMAN LIFE OR PROPERTY.

(3) A UNIT SHALL ORDER A DANGEROUS DOG TO BE EUTHANIZED UNLESS:

(I) 1. THE DOG IS PLACED IN A DANGEROUS ANIMAL FACILITY; AND

2. THE DOG DOES NOT CONSTITUTE AN UNREASONABLE RISK TO HUMAN LIFE OR PROPERTY WHILE HOUSED IN THE DANGEROUS ANIMAL FACILITY; OR

(II) THERE IS NOT A REASONABLE LIKELIHOOD OF REPEAT DANGEROUS BEHAVIOR BY THE DOG.

(E) (1) WITHIN 7 DAYS AFTER A CLASSIFICATION DETERMINATION UNDER SUBSECTION (C) OR (D) OF THIS SECTION, THE CLASSIFYING UNIT SHALL PROVIDE THE DOG'S OWNER OR KEEPER WRITTEN NOTICE OF THE CLASSIFICATION AND THE REASON FOR THE CLASSIFICATION.

(2) A DOG'S OWNER OR KEEPER MAY APPEAL THE UNIT'S CLASSIFICATION BY FILING A WRITTEN REQUEST FOR A HEARING WITH THE UNIT WITHIN 7 DAYS AFTER RECEIVING THE NOTICE.

(F) (1) A UNIT MAY REQUIRE THE OWNER OR KEEPER OF THE DOG TO:

(I) PAY A FEE SET BY THE UNIT FOR REGISTRATION OF A DOG CLASSIFIED UNDER SUBSECTION (C) OR (D) OF THIS SECTION;

(II) OBTAIN AND MAINTAIN PUBLIC LIABILITY INSURANCE; AND

(III) COMPLETE A RESPONSIBLE PET OWNERSHIP PROGRAM.

(2) A DOG THAT HAS BEEN CLASSIFIED AS POTENTIALLY DANGEROUS UNDER SUBSECTION (C) OF THIS SECTION OR DANGEROUS UNDER SUBSECTION (D) OF THIS SECTION SHALL BE IDENTIFIED WITH A PERMANENT IDENTIFYING MARK IN A MANNER DETERMINED BY THE CLASSIFYING UNIT.

(G) THE OWNER OR KEEPER OF A DOG THAT IS CLASSIFIED AS POTENTIALLY DANGEROUS UNDER SUBSECTION (C) OF THIS SECTION OR DANGEROUS UNDER

1 SUBSECTION (D) OF THIS SECTION SHALL COMPLY WITH THE FOLLOWING
2 CONDITIONS:

3 (1) THE OWNER OR KEEPER OF A DOG CLASSIFIED AS EXHIBITING
4 LEVEL 1 BEHAVIOR SHALL:

5 (I) RESTRAIN THE DOG SO AS NOT TO BE AT LARGE BY A
6 PHYSICAL DEVICE OR STRUCTURE, IN A MANNER THAT PREVENTS THE DOG FROM
7 REACHING A PUBLIC SIDEWALK OR ADJOINING PROPERTY; AND

8 (II) ENSURE THE DOG IS LOCATED SO AS NOT TO INTERFERE
9 WITH THE PUBLIC'S LEGAL ACCESS TO THE PREMISES OF THE OWNER OR KEEPER,
10 WHENEVER THE DOG IS OUTSIDE THE HOME OF THE OWNER OR KEEPER AND NOT ON
11 A LEASH;

12 (2) THE OWNER OR KEEPER OF A DOG CLASSIFIED AS EXHIBITING
13 LEVEL 2 BEHAVIOR SHALL:

14 (I) CONFINE THE DOG WITHIN A SECURE ENCLOSURE,
15 LOCATED SO AS NOT TO INTERFERE WITH THE PUBLIC'S LEGAL ACCESS TO THE
16 PREMISES OF THE OWNER OR KEEPER, WHEN THE DOG IS NOT ON A LEASH;

17 (II) IF REQUIRED BY THE UNIT, OBTAIN AND MAINTAIN PROOF
18 OF PUBLIC LIABILITY INSURANCE; AND

19 (III) IF REQUIRED BY THE UNIT, COMPLETE A RESPONSIBLE PET
20 OWNERSHIP PROGRAM;

21 (3) THE OWNER OR KEEPER OF A DOG CLASSIFIED AS EXHIBITING
22 LEVEL 3 OR LEVEL 4 BEHAVIOR SHALL:

23 (I) CONFINE THE DOG WITHIN A SECURE ENCLOSURE,
24 LOCATED SO AS NOT TO INTERFERE WITH THE PUBLIC'S LEGAL ACCESS TO THE
25 PREMISES OF THE OWNER OR KEEPER, WHENEVER THE DOG IS NOT ON A LEASH;

26 (II) POST WARNING SIGNS ON THE PREMISES WHERE THE DOG
27 IS KEPT;

28 (III) IF REQUIRED BY THE UNIT, OBTAIN AND MAINTAIN PROOF
29 OF PUBLIC LIABILITY INSURANCE;

(IV) REFRAIN FROM TAKING THE DOG OFF THE PREMISES OF THE OWNER OR KEEPER UNLESS THE DOG IS MUZZLED AND RESTRAINED BY AN ADEQUATE LEASH AND UNDER CONTROL OF A CAPABLE PERSON; AND

(V) IF REQUIRED BY THE UNIT, COMPLETE A RESPONSIBLE PET OWNERSHIP PROGRAM; AND

(4) THE OWNER OR KEEPER OF A DOG CLASSIFIED AS A DANGEROUS DOG THAT HAS NOT BEEN ORDERED TO BE EUTHANIZED SHALL:

(I) PLACE THE DOG IN A DANGEROUS ANIMAL FACILITY; OR

(II) 1. MEET THE REQUIREMENTS UNDER ITEM (3) OF THIS SUBSECTION; AND

2. CONFINE THE DOG WITHIN A SECURE ENCLOSURE WITH A DOUBLE SECURITY GATE.

(H) A UNIT SHALL DECLASSIFY A DOG CLASSIFIED AS POTENTIALLY DANGEROUS UNDER SUBSECTION (C) OF THIS SECTION OR DANGEROUS UNDER SUBSECTION (D) OF THIS SECTION IF:

(1) (I) A DOG CLASSIFIED AS EXHIBITING LEVEL 1 BEHAVIOR OR LEVEL 2 BEHAVIOR HAS NOT EXHIBITED ADDITIONAL LEVEL 1 BEHAVIOR, LEVEL 2 BEHAVIOR, LEVEL 3 BEHAVIOR, OR LEVEL 4 BEHAVIOR WITHIN 1 YEAR AFTER THE CLASSIFICATION; OR

(II) A DOG CLASSIFIED AS EXHIBITING LEVEL 3 BEHAVIOR OR LEVEL 4 BEHAVIOR HAS NOT EXHIBITED ADDITIONAL LEVEL 1 BEHAVIOR, LEVEL 2 BEHAVIOR, LEVEL 3 BEHAVIOR, OR LEVEL 4 BEHAVIOR WITHIN 2 YEARS AFTER THE CLASSIFICATION;

(2) THERE HAVE BEEN NO VIOLATIONS OF THE CONDITIONS UNDER SUBSECTION (F) OF THIS SECTION; AND

(3) THE OWNER OR KEEPER PROVIDES THE UNIT WITH WRITTEN CERTIFICATION OF COMPLETION OF OBEDIENCE TRAINING FOR THE DOG.

(I) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$2,500.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.