

CHAPTER 309

(House Bill 1139)

AN ACT concerning

Calvert County – Regulation and Protection of Animals – ~~Animal Control Officers~~

FOR the purpose of repealing a requirement that a dog warden and his deputies enforce certain laws relating to the regulation of animals in Calvert County; authorizing, in Calvert County, the sheriff or any deputy authorized by the sheriff or an animal control officer appointed by the County Commissioners of Calvert County or the County Commissioners' designee to enforce certain laws relating to the regulation of animals; authorizing the sheriff, a deputy authorized by the sheriff, or an animal control officer to issue a certain summons; authorizing the County Commissioners of Calvert County to create an Animal Matters Hearing Board to resolve certain disputes and controversies; providing that the County Commissioners may authorize an Animal Matters Hearing Board to issue certain subpoenas and assess and collect certain civil penalties; repealing certain requirements relating to the appointment of a dog warden by the County Commissioners of Calvert County; authorizing a certain animal control officer in Calvert County to arrest and bring a person before the District Court if the officer sees the person committing a misdemeanor that involves cruelty to animals; and generally relating to ~~the enforcement of laws regulating and protecting animals in Calvert County by animal control officers.~~

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 11-504(a) ~~and~~ , (p), and (q)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10-609
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

Article 24 – Political Subdivisions – Miscellaneous Provisions

11-504.

(a) (1) The sheriffs of the several counties, or any deputy authorized by him, shall enforce the provisions of this subtitle. The sheriffs and their duly authorized deputies may issue a summons to any person violating any provision of this subtitle.

(2) In [Calvert County and] Garrett County, the dog warden and his deputies have the duties imposed by this subsection.

(3) This section does not apply in Washington County.

(4) (I) IN CALVERT COUNTY, THE PROVISIONS OF THIS SUBTITLE SHALL BE ENFORCED BY:

1. THE SHERIFF OR ANY DEPUTY AUTHORIZED BY THE SHERIFF; OR

2. AN ANIMAL CONTROL OFFICER APPOINTED BY THE COUNTY COMMISSIONERS OR THE COUNTY COMMISSIONERS' DESIGNEE.

(II) IN CALVERT COUNTY, THE SHERIFF, A DEPUTY AUTHORIZED BY THE SHERIFF, OR AN ANIMAL CONTROL OFFICER MAY ISSUE A SUMMONS TO ANY PERSON VIOLATING ANY PROVISION OF THIS SUBTITLE.

(p) (1) In addition to and not in substitution for any powers granted under this subtitle, the County Commissioners of Calvert County may by ordinance provide for the regulation, humane treatment, and keeping of domestic animals within Calvert County, including the authority to assess a penalty for a violation of a provision of an ordinance of imprisonment in the county jail not exceeding 30 days or a fine not exceeding \$1,000 or both.

(2) (I) THE COUNTY COMMISSIONERS OF CALVERT COUNTY MAY CREATE AN ANIMAL MATTERS HEARING BOARD TO RESOLVE DISPUTES AND CONTROVERSIES ARISING UNDER THE ANIMAL CONTROL ORDINANCES ADOPTED UNDER THIS SUBSECTION.

(II) THE COUNTY COMMISSIONERS MAY AUTHORIZE AN ANIMAL MATTERS HEARING BOARD TO:

1. ISSUE A SUBPOENA TO COMPEL PARTIES IN A DISPUTE TO APPEAR BEFORE THE BOARD;

2. ASSESS A CIVIL PENALTY NOT EXCEEDING \$1,000 FOR A VIOLATION OF AN ORDINANCE ADOPTED UNDER THIS SUBSECTION; AND

3. COLLECT A CIVIL PENALTY IMPOSED UNDER THIS PARAGRAPH.

(q) (1) The provisions of this subsection only apply to Calvert County.

(2) [The County Commissioners shall appoint a dog warden and may appoint deputy wardens. The dog warden and any deputies appointed shall serve at the discretion of the County Commissioners and shall be paid whatever salary and allowances for travel the Commissioners prescribe. Before entering upon the duties of the office, the dog warden and any deputy dog wardens appointed shall give bond to the State with good and sufficient surety, to be approved by the Commissioners, in whatever penalty the Commissioners determine and conditioned on the faithful performance of duties and proper accounting for all moneys and property received by virtue of the position. The bond shall be in the form of a “public employee’s faithful performance blanket bond” for the dog warden and all deputies, if possible. The premiums shall be borne by Calvert County, and the bonds shall be filed with the State Comptroller.

(3) The County Commissioners may construct or lease, operate and maintain a dog pound for and in Calvert County. The cost of the pound and of its operation shall be borne by the county. In their discretion, the County Commissioners may enter into agreements with adjacent counties for the establishment of a dog pound to serve all of those counties.

Article – Criminal Law

10–609.

(a) Except as provided in [subsection (b)] **SUBSECTIONS (B) AND (C)** of this section, if an officer of a humane society sees a person committing a misdemeanor that involves cruelty to an animal, the officer shall arrest and bring before the District Court the person committing the misdemeanor.

(b) IN CALVERT COUNTY, IF AN OFFICER OF A HUMANE SOCIETY OR AN ANIMAL CONTROL OFFICER APPOINTED BY THE COUNTY COMMISSIONERS OR THE COUNTY COMMISSIONERS’ DESIGNEE SEES A PERSON COMMITTING A MISDEMEANOR THAT INVOLVES CRUELTY TO AN ANIMAL, THE OFFICER SHALL ARREST AND BRING BEFORE THE DISTRICT COURT THE PERSON COMMITTING THE MISDEMEANOR.

(c) In Baltimore County, the Baltimore County Department of Health, Division of Animal Control shall enforce this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, April 24, 2008.