

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 278
Judiciary

(Delegate Reznik, *et al.*)

Criminal Law - Dangerous Dogs and At-Risk Owners

This bill authorizes an appropriate unit of a county or municipal corporation to determine that a person is an at-risk owner if the unit (1) finds that the person owns or has owned one or more dangerous dogs; and (2) notifies the person in writing within 30 days after such a finding is made. The bill further authorizes an appropriate unit of a county or municipal corporation to require a person determined to be an at-risk owner to register with the unit and pay a registration fee set by the unit. In addition, the bill requires an at-risk owner to comply with specified requirements prior to and after acquiring a dog.

A person who violates the bill is subject to a civil penalty of up to \$2,500.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues beginning in FY 2013 due to the bill's civil penalty provision. The bill's requirements can be absorbed within existing budgeted resources, as discussed below.

Local Effect: The bill authorizes, rather than requires, local governments to establish certain requirements with regard to at-risk owners of dangerous dogs. The bill's impact on each jurisdiction's expenditures cannot be reliably determined at this time, as discussed below, but will depend on the extent to which a jurisdiction utilizes its authority under the bill and the number of dangerous dogs in the jurisdiction. Moreover, any increase in expenditures may be offset by registration fees.

Small Business Effect: None.

Analysis

Bill Summary: Before acquiring a dog, an at-risk owner must (1) provide a letter to the Department of Health of Mental Hygiene (DHMH), signed by a licensed veterinary practitioner, stating that all dogs in the owner's residence have a valid license and current rabies vaccination and have been spayed or neutered; and (2) complete a responsible pet ownership course that is conducted by the appropriate unit of a county or municipal corporation and includes an instructional video and written examination. Within 60 days of acquiring a dog, an at-risk owner must provide a letter to DHMH, signed by a licensed veterinary practitioner, stating that the dog has a valid license and current rabies vaccination and has been spayed or neutered.

A determination that a person is an at-risk owner expires after five years if (1) the owner complies with the requirements of the bill and other specified provisions of law; and (2) no other dog in the owner's residence is found to be a dangerous or potentially dangerous dog.

Current Law: A "dangerous dog" is one that has killed or inflicted severe injury on a person without provocation or is determined to be potentially dangerous by a local government and, after that determination, bites a person; kills or inflicts severe injury on a domestic animal when the dog is not on its owner's real property; or attacks without provocation.

A local jurisdiction may determine that a dog is potentially dangerous if it finds that the dog has inflicted a bite on a person while on public or private real property; has killed or inflicted severe injury on a domestic animal when not on its owner's real property; or has attacked without provocation. The jurisdiction must notify the dog owner in writing of the reasons for its determination.

A dog owner may not leave a dangerous dog unattended on the owner's real property unless the dog is confined indoors, is in a securely enclosed and locked pen, or is in another structure designed to restrain the dog. A dog owner may not 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.

An owner of a dangerous or potentially dangerous dog who sells or gives the dog to another must provide, in writing, specified information about the new owner to the local government unit that made the determination about the dog and notify the new owner about the dog's dangerous or potentially dangerous behavior.

A person who violates these provisions is guilty of a misdemeanor and subject to a maximum fine of \$2,500.

Background: According to the American Veterinary Medical Association's (AVMA) *2007 U.S. Pet Ownership & Demographics Sourcebook*, more than 72 million dogs are household pets in the United States. The U.S. Centers for Disease Control and Prevention report that approximately 4.5 million people are bitten by dogs each year, and 20% of dog-bite victims require medical attention for related injuries. In 2006, more than 31,000 people underwent reconstructive surgery as a result of a dog bite. Children are more likely to receive medical attention for dog bite injuries, and children age five to nine have the highest rate of dog bite-related injuries.

In 2001, AVMA convened a Task Force on Canine Aggression and Human-Canine Interactions to recommend the most effective measures for reducing the incidences of dog bites and holding dog owners responsible for their dogs' behavior. Recommendations included identification and regulation of dangerous dogs, improved bite data reporting, and more comprehensive public education about dog behaviors.

The State Board of Veterinary Medical Examiners licenses and regulates veterinary professionals, veterinary hospitals, and humane organizations. The board also conducts annual inspections of veterinary hospitals. The board investigates consumer complaints and, when appropriate, takes disciplinary action against veterinarians, registered veterinary technicians, and veterinary hospitals. None of the board's current duties involve maintaining data on dangerous animals, dog bites, or ownership of animals. According to the board, issues related to dog bites are usually handled by local animal control units. The Center for Zoonotic and Vector-Borne Diseases in DHMH collects statewide dog bite data.

State Fiscal Effect: DHMH advises that, under the bill, one part-time (50%) administrator is needed to maintain a log of letters to the department; monitor compliance with the department's notification requirements; refer instances of noncompliance for legal action; and serve as a liaison for animal control agencies, other local agencies, and the public. However, Legislative Services notes that the bill specifies only that an at-risk owner provide a letter to DHMH. The bill does not specifically require any approval or monitoring from the department.

The Maryland Association of County Health Officers advises that local health departments already submit to DHMH, on a monthly basis, animal bite and exposure reports. Accordingly, Legislative Services advises that DHMH can use existing forces to maintain a file of letters received by the department from at-risk owners.

General fund revenues may increase minimally beginning in fiscal 2013 due to the bill's civil penalty provision.

Local Fiscal Effect: The bill authorizes, rather than requires, local governments to establish certain requirements with regard to at-risk owners of dangerous dogs. Potential costs include the administration of a pet ownership course and written examination. Montgomery County advises that it declares, on an annual basis, only two or three dogs to be dangerous. Accordingly, Montgomery County advises that its fiscal and operational impact is minimal under the bill. In contrast, Worcester County and Baltimore City both anticipate additional staffing and equipment costs associated with the bill of up to \$50,000 to \$75,000 annually.

The bill's impact on local government finances will depend on the extent to which a jurisdiction utilizes its authority under the bill and the number of dangerous dogs in the jurisdiction. Thus, Legislative Services advises that the bill's impact on local government expenditures cannot be reliably determined at this time. However, any increase in expenditures may be offset by registration fees established by a jurisdiction under the bill.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore City; Montgomery and Worcester counties; Maryland Department of Agriculture; Department of Health and Mental Hygiene, Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - February 7, 2012
mlm/mwc

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