

HOUSE BILL 1804

D3, E1

EMERGENCY BILL

2lr3518
CF 2lr3519

By: **Delegates Smigiel and Mizeur**

Introduced and read first time: May 14, 2012

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Dangerous Dog Presumption – Specific Breed Prohibition**

3 FOR the purpose of establishing that, for the purpose of determining criminal or civil
4 liability, a dog may not be presumed dangerous or potentially dangerous solely
5 on the basis of the breed or heritage of the dog; providing that this Act does not
6 preclude a political subdivision from adopting or enforcing a program to control
7 dangerous or potentially dangerous dogs, provided that no program may
8 discriminate among dogs solely on the basis of the breed or heritage of the dog;
9 providing for the application of this Act; making this Act an emergency
10 measure; and generally relating to dogs.

11 BY adding to

12 Article – Courts and Judicial Proceedings

13 Section 10–922

14 Annotated Code of Maryland

15 (2006 Replacement Volume and 2011 Supplement)

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

18 **Article – Courts and Judicial Proceedings**

19 **10–922.**

20 **(A) FOR THE PURPOSE OF DETERMINING CRIMINAL OR CIVIL**
21 **LIABILITY, A DOG MAY NOT BE PRESUMED DANGEROUS OR POTENTIALLY**
22 **DANGEROUS SOLELY ON THE BASIS OF THE BREED OR HERITAGE OF THE DOG.**

23 **(B) THIS SECTION DOES NOT PRECLUDE A POLITICAL SUBDIVISION**
24 **FROM ADOPTING OR ENFORCING A PROGRAM TO CONTROL DANGEROUS OR**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **POTENTIALLY DANGEROUS DOGS IF THE PROGRAM DOES NOT DISCRIMINATE**
2 **AMONG DOGS SOLELY ON THE BASIS OF THE BREED OR HERITAGE OF THE DOG.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
4 construed to apply only prospectively and may not be applied or interpreted to have
5 any effect on or application to any cause of action arising before the effective date of
6 this Act.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
8 measure, is necessary for the immediate preservation of the public health or safety,
9 has been passed by a ye and nay vote supported by three-fifths of all the members
10 elected to each of the two Houses of the General Assembly, and shall take effect from
11 the date it is enacted.