E1 0lr2191

By: Senators Ready and Hough

Introduced and read first time: February 3, 2020

Assigned to: Judicial Proceedings

## A BILL ENTITLED

1 AN ACT concerning

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## Criminal Law – Dangerous and Potentially Dangerous Dogs – Classification and Requirements

FOR the purpose of repealing a certain provision of law authorizing an appropriate unit of a county or municipal corporation to determine whether a dog is potentially dangerous under certain circumstances and relating to ownership of a dangerous dog; requiring an appropriate unit of a county or municipal corporation to classify a certain dog by level of potential danger as determined by certain factors, subject to certain exceptions; requiring a certain unit to provide a certain person written notice of the classification of a certain dog and the reason for the classification; authorizing a certain person to appeal a classification by a certain unit; requiring a certain unit to classify a dog as dangerous under certain circumstances, subject to certain exceptions; requiring a certain unit to euthanize a certain dog under certain circumstances with certain exceptions; requiring a dog that has been classified under a certain classification by a unit to be identified in a certain manner; authorizing a unit to require a certain person, under certain circumstances, to pay a certain fee, obtain and maintain public liability insurance, and complete a responsible pet ownership program; requiring a certain person to comply with certain conditions if a dog has been classified under a certain classification; requiring a certain unit to declassify a dog under certain circumstances; providing that this Act does not apply to certain dogs; establishing certain penalties for violations of this Act: defining certain terms; and generally relating to the classification of dangerous and 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)

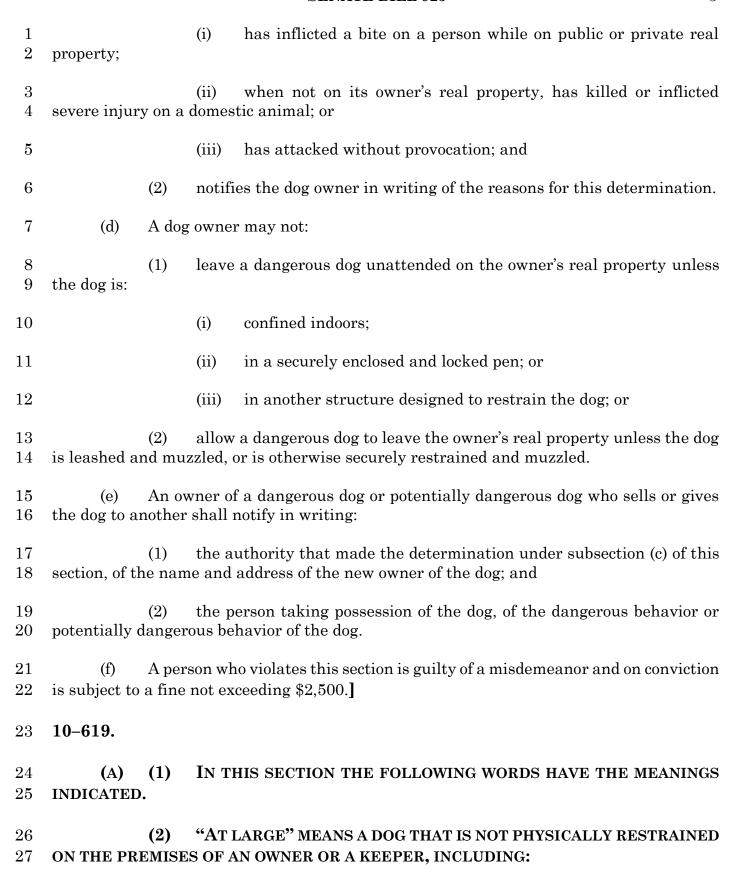
29 BY adding to

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finds that the dog:

1 2 3 4	Article – Criminal Law Section 10–619 Annotated Code of Maryland (2012 Replacement Volume and 2019 Supplement)			
5 6	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:			
7	Article – Criminal Law			
8	[10-619.			
9	(a) (1) In this section the following words have the meanings indicated.			
0	(2) "Dangerous dog" means a dog that:			
$\frac{1}{2}$	(i) without provocation has killed or inflicted severe injury on a person; or			
13 14 15	(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:			
6	1. bites a person;			
17 18	2. when not on its owner's real property, kills or inflicts severe injury on a domestic animal; or			
9	3. attacks without provocation.			
20 21	(3) (i) "Owner's real property" means real property owned or leased by the owner of a dog.			
22 23	(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.			
24 25	(4) "Severe injury" means a physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.			
26 27	(b) This section does not apply to a dog owned by and working for a governmental or law enforcement unit.			
28 29	(c) An appropriate unit of a county or municipal corporation may determine that a dog is potentially dangerous if the unit:			



- 1 (I) WITHIN A VEHICLE IN A MANNER THAT DOES NOT
- 2 PHYSICALLY PREVENT THE ANIMAL FROM LEAVING THE VEHICLE OR REACHING
- 3 PUBLIC AREAS; AND
- 4 (II) WHEN ON PUBLIC PROPERTY OR A PUBLIC AREA, NOT
- 5 PHYSICALLY RESTRAINED BY A LEASH, A TETHER, OR ANY OTHER PHYSICAL
- 6 CONTROL DEVICE THAT DOES NOT EXCEED 8 FEET IN LENGTH AND UNDER THE
- 7 PHYSICAL CONTROL OF A CAPABLE PERSON.
- 8 (3) "LEVEL 1 BEHAVIOR" MEANS THAT A DOG, WHILE AT LARGE, IS A
- 9 MENACE, CHASES, DISPLAYS THREATENING OR AGGRESSIVE BEHAVIOR, OR
- 10 OTHERWISE THREATENS OR ENDANGERS THE SAFETY OF A PERSON.
- 11 (4) "LEVEL 2 BEHAVIOR" MEANS THAT A DOG, WHILE AT LARGE,
- 12 CAUSES PHYSICAL INJURY TO A DOMESTIC ANIMAL.
- 13 (5) "LEVEL 3 BEHAVIOR" MEANS THAT A DOG, WHILE NOT AT LARGE,
- 14 AGGRESSIVELY BITES A PERSON.
- 15 (6) (I) "LEVEL 4 BEHAVIOR" MEANS THAT A DOG, WHILE AT LARGE:
- 16 1. AGGRESSIVELY BITES A PERSON; OR
- 2. KILLS OR CAUSES THE DEATH OF A DOMESTIC ANIMAL
- 18 OR LIVESTOCK.
- 19 (II) "LEVEL 4 BEHAVIOR" INCLUDES REPEATED LEVEL 3
- 20 BEHAVIOR AFTER THE OWNER OR KEEPER RECEIVES NOTICE OF A LEVEL 3
- 21 BEHAVIOR CLASSIFICATION.
- 22 (B) THIS SECTION DOES NOT APPLY TO A DOG OWNED BY AND WORKING FOR
- 23 A GOVERNMENT AGENCY OR LAW ENFORCEMENT UNIT.
- 24 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,
- 25 AN APPROPRIATE UNIT OF A COUNTY OR MUNICIPAL CORPORATION SHALL CLASSIFY
- 26 A DOG AS POTENTIALLY DANGEROUS IF THE UNIT FINDS THAT THE DOG HAS
- 27 EXHIBITED:
- 28 (I) LEVEL 1 BEHAVIOR;
- 29 (II) LEVEL 2 BEHAVIOR;
- 30 (III) LEVEL 3 BEHAVIOR; OR

1		(IV)	LEVEL 4 BEHAVIOR.
2 3 4	SUBSECTION, THE	CLAS	ORE CLASSIFYING A DOG UNDER PARAGRAPH (1) OF THIS SSIFYING UNIT SHALL CONDUCT AN INVESTIGATION WITH AN TESTIMONY ABOUT THE DOG'S BEHAVIOR, INCLUDING:
5	(	(I)	THE DOG'S UPBRINGING;
6	(	(II)	THE CONTROL OF THE DOG BY THE OWNER OR KEEPER; AND
7	(	(III)	OTHER RELEVANT EVIDENCE.
8	` '		IT MAY REFRAIN FROM CLASSIFYING A DOG AS POTENTIALLY IT DETERMINES THAT THE BEHAVIOR WAS:
10 11	DOG;	(I)	THE RESULT OF THE VICTIM ABUSING OR TORMENTING THE
12	(	(II)	DIRECTED TOWARD A TRESPASSER; OR
13 14	CIRCUMSTANCES.	(III)	THE RESULT OF OTHER MITIGATING OR EXTENUATING
15 16 17	AN APPROPRIATE U	UNIT	CPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, OF A COUNTY OR MUNICIPAL CORPORATION SHALL CLASSIFY S DOG IF THE UNIT FINDS THAT THE DOG:
18 19	OR DEATH OF ANY	(I) PERS	WHETHER OR NOT AT LARGE, CAUSED SERIOUS INJURY TO SON; OR
20	(	(II)	WAS USED AS A WEAPON IN THE COMMISSION OF A CRIME.
21 22 23	` '	GRAF	IT MAY REFRAIN FROM CLASSIFYING A DOG AS A DANGEROUS PH (1) OF THIS SUBSECTION IF THE UNIT DETERMINES THAT
24 25	DOG;	(I)	THE RESULT OF THE VICTIM ABUSING OR TORMENTING THE
26		(11)	DIRECTED TOWARD A TRESPASSER: OR

- 1 (III) THE RESULT OF OTHER MITIGATING OR EXTENUATING
- 2 CIRCUMSTANCES THAT INDICATE THAT THE DOG DOES NOT CONSTITUTE AN
- 3 UNREASONABLE RISK TO HUMAN LIFE OR PROPERTY.
- 4 (3) A UNIT SHALL ORDER A DANGEROUS DOG TO BE EUTHANIZED
- 5 UNLESS:
- 6 (I) 1. THE DOG IS PLACED IN A DANGEROUS ANIMAL
- 7 FACILITY; AND
- 8 2. THE DOG DOES NOT CONSTITUTE AN UNREASONABLE
- 9 RISK TO HUMAN LIFE OR PROPERTY WHILE HOUSED IN THE DANGEROUS ANIMAL
- 10 FACILITY; OR
- 11 (II) THERE IS NOT A REASONABLE LIKELIHOOD OF REPEAT
- 12 DANGEROUS BEHAVIOR BY THE DOG.
- 13 (E) (1) WITHIN 7 DAYS AFTER A CLASSIFICATION DETERMINATION
- 14 UNDER SUBSECTION (C) OR (D) OF THIS SECTION, THE CLASSIFYING UNIT SHALL
- 15 PROVIDE THE DOG'S OWNER OR KEEPER WRITTEN NOTICE OF THE CLASSIFICATION
- 16 AND THE REASON FOR THE CLASSIFICATION.
- 17 (2) A DOG'S OWNER OR KEEPER MAY APPEAL THE UNIT'S
- 18 CLASSIFICATION BY FILING A WRITTEN REQUEST FOR A HEARING WITH THE UNIT
- 19 WITHIN 7 DAYS AFTER RECEIVING THE NOTICE.
- 20 (F) (1) A UNIT MAY REQUIRE THE OWNER OR KEEPER OF THE DOG TO:
- 21 (I) PAY A FEE SET BY THE UNIT FOR REGISTRATION OF A DOG
- 22 CLASSIFIED UNDER SUBSECTION (C) OR (D) OF THIS SECTION;
- 23 (II) OBTAIN AND MAINTAIN PUBLIC LIABILITY INSURANCE; AND
- 24 (III) COMPLETE A RESPONSIBLE PET OWNERSHIP PROGRAM.
- 25 (2) A DOG THAT HAS BEEN CLASSIFIED AS POTENTIALLY DANGEROUS
- 26 UNDER SUBSECTION (C) OF THIS SECTION OR DANGEROUS UNDER SUBSECTION (D)
- 27 OF THIS SECTION SHALL BE IDENTIFIED WITH A PERMANENT IDENTIFYING MARK IN
- 28 A MANNER DETERMINED BY THE CLASSIFYING UNIT.
- 29 (G) THE OWNER OR KEEPER OF A DOG THAT IS CLASSIFIED AS POTENTIALLY
- 30 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;

- 1 (IV) REFRAIN FROM TAKING THE DOG OFF THE PREMISES OF
- 2 THE OWNER OR KEEPER UNLESS THE DOG IS MUZZLED AND RESTRAINED BY AN
- 3 ADEQUATE LEASH AND UNDER CONTROL OF A CAPABLE PERSON; AND
- 4 (V) IF REQUIRED BY THE UNIT, COMPLETE A RESPONSIBLE PET
- 5 OWNERSHIP PROGRAM; AND
- 6 (4) THE OWNER OR KEEPER OF A DOG CLASSIFIED AS A DANGEROUS
- 7 DOG THAT HAS NOT BEEN ORDERED TO BE EUTHANIZED SHALL:
- 8 (I) PLACE THE DOG IN A DANGEROUS ANIMAL FACILITY; OR
- 9 (II) 1. MEET THE REQUIREMENTS UNDER ITEM (3) OF THIS
- 10 SUBSECTION; AND
- 2. CONFINE THE DOG WITHIN A SECURE ENCLOSURE
- 12 WITH A DOUBLE SECURITY GATE.
- 13 (H) A UNIT SHALL DECLASSIFY A DOG CLASSIFIED AS POTENTIALLY
- 14 DANGEROUS UNDER SUBSECTION (C) OF THIS SECTION OR DANGEROUS UNDER
- 15 SUBSECTION (D) OF THIS SECTION IF:
- 16 (1) (I) A DOG CLASSIFIED AS EXHIBITING LEVEL 1 BEHAVIOR OR
- 17 LEVEL 2 BEHAVIOR HAS NOT EXHIBITED ADDITIONAL LEVEL 1 BEHAVIOR, LEVEL 2
- 18 BEHAVIOR, LEVEL 3 BEHAVIOR, OR LEVEL 4 BEHAVIOR WITHIN 1 YEAR AFTER THE
- 19 CLASSIFICATION; OR
- 20 (II) A DOG CLASSIFIED AS EXHIBITING LEVEL 3 BEHAVIOR OR
- 21 LEVEL 4 BEHAVIOR HAS NOT EXHIBITED ADDITIONAL LEVEL 1 BEHAVIOR, LEVEL 2
- 22 BEHAVIOR, LEVEL 3 BEHAVIOR, OR LEVEL 4 BEHAVIOR WITHIN 2 YEARS AFTER THE
- 23 CLASSIFICATION;
- 24 (2) THERE HAVE BEEN NO VIOLATIONS OF THE CONDITIONS UNDER
- 25 SUBSECTION (F) OF THIS SECTION; AND
- 26 (3) THE OWNER OR KEEPER PROVIDES THE UNIT WITH WRITTEN
- 27 CERTIFICATION OF COMPLETION OF OBEDIENCE TRAINING FOR THE DOG.
- 28 (I) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
- 29 AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$2,500.
- 30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 31 October 1, 2020.