

HOUSE BILL 422

L2, L3, N1

4r0971
CF SB 991

By: **Delegates Hixson, Barve, Cardin, Frush, Kach, Kramer, McMillan, Stukes, F. Turner, and A. Washington**

Introduced and read first time: January 24, 2014

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2014

CHAPTER _____

1 AN ACT concerning

2 **Dogs – Discrimination Based on Breed, Type, or Heritage – Prohibited**

3 FOR the purpose of providing that a dog may not be determined to be potentially
4 dangerous based solely on the breed, type, or heritage of the dog; establishing
5 that a county or municipality may not enact a local law or adopt an ordinance
6 that prohibits a person from owning, keeping, or harboring a dog of a specific
7 breed, type, or heritage or take certain other actions based on the breed, type, or
8 heritage of a dog; ~~providing that a homeowner or tenant, regardless of the terms~~
9 ~~of certain documents, may not be prohibited from owning, keeping, or harboring~~
10 ~~a dog of a specific breed, type, or heritage or be denied occupancy in or evicted~~
11 ~~from residential property solely because the person owns, keeps, or harbors a~~
12 ~~dog of a specific breed, type, or heritage;~~ providing for the construction of
13 certain provisions of this Act; providing for the application of this Act; and
14 generally relating to discrimination against certain dogs.

15 BY repealing and reenacting, with amendments,
16 Article – Criminal Law
17 Section 10–619
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2013 Supplement)

20 BY adding to
21 Article – Local Government
22 Section 5–107 and 13–102.1

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2013 Volume)

3 ~~By adding to~~
4 ~~Article – Real Property~~
5 ~~Section 14-133~~
6 ~~Annotated Code of Maryland~~
7 ~~(2010 Replacement Volume and 2013 Supplement)~~

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

10 **Article – Criminal Law**

11 10–619.

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

13 (2) “Dangerous dog” means a dog that:

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

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

19 1. bites a person;

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

22 3. attacks without provocation.

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

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

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

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

1 (c) (1) [An] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN
2 appropriate unit of a county or municipal corporation may determine that a dog is
3 potentially dangerous ONLY if the unit:

4 [(1)] (I) finds that the dog:

5 [(i)] 1. has inflicted a bite on a person while on public or
6 private real property;

7 [(ii)] 2. when not on its owner's real property, has killed or
8 inflicted severe injury on a domestic animal; or

9 [(iii)] 3. has attacked without provocation; and

10 [(2)] (II) notifies the dog owner in writing of the reasons for this
11 determination.

12 (2) A DOG MAY NOT BE DETERMINED TO BE POTENTIALLY
13 DANGEROUS BASED SOLELY ON THE BREED, TYPE, OR HERITAGE OF THE DOG.

14 (d) A dog owner may not:

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

17 (i) confined indoors;

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

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

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

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

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

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

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

1 Article – Local Government

2 **5–107.**

3 (A) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A
 4 MUNICIPALITY FROM RESTRICTING THE OWNING, KEEPING, OR HARBORING OF
 5 A DANGEROUS DOG, AS DEFINED IN § 10–619(A) OF THE CRIMINAL LAW
 6 ARTICLE, OR A DOG THAT HAS BEEN DETERMINED TO BE POTENTIALLY
 7 DANGEROUS IN ACCORDANCE WITH § 10–619(C) OF THE CRIMINAL LAW
 8 ARTICLE.

9 (B) A MUNICIPALITY MAY NOT:

10 (1) ADOPT AN ORDINANCE PROHIBITING A PERSON FROM
 11 OWNING, KEEPING, OR HARBORING A DOG OF A SPECIFIC BREED, TYPE, OR
 12 HERITAGE; OR

13 (2) DETERMINE A DOG TO BE A NUISANCE, POTENTIALLY
 14 DANGEROUS, DANGEROUS, OR INHERENTLY DANGEROUS, OR OTHERWISE
 15 REGULATE A DOG BASED ON THE BREED, TYPE, OR HERITAGE OF THE DOG.

16 **13–102.1.**

17 (A) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A COUNTY
 18 FROM RESTRICTING THE OWNING, KEEPING, OR HARBORING OF A DANGEROUS
 19 DOG, AS DEFINED IN § 10–619(A) OF THE CRIMINAL LAW ARTICLE, OR A DOG
 20 THAT HAS BEEN DETERMINED TO BE POTENTIALLY DANGEROUS IN
 21 ACCORDANCE WITH § 10–619(C) OF THE CRIMINAL LAW ARTICLE.

22 (B) A COUNTY MAY NOT:

23 (1) ENACT A LOCAL LAW PROHIBITING A PERSON FROM OWNING,
 24 KEEPING, OR HARBORING A DOG OF A SPECIFIC BREED, TYPE, OR HERITAGE; OR

25 (2) DETERMINE A DOG TO BE A NUISANCE, POTENTIALLY
 26 DANGEROUS, DANGEROUS, OR INHERENTLY DANGEROUS, OR OTHERWISE
 27 REGULATE A DOG BASED ON THE BREED, TYPE, OR HERITAGE OF THE DOG.

28 ~~Article – Real Property~~

29 ~~14–133.~~

30 ~~(A) THIS SECTION APPLIES TO ANY RESIDENTIAL PROPERTY,~~
 31 ~~INCLUDING PROPERTY THAT IS SUBJECT TO THE PROVISIONS OF:~~

1 (1) ~~TITLE 8, TITLE 8A, TITLE 11, TITLE 11A, OR TITLE 11B OF~~
2 ~~THIS ARTICLE; OR~~

3 (2) ~~TITLE 5, SUBTITLE 6B OF THE CORPORATIONS AND~~
4 ~~ASSOCIATIONS ARTICLE.~~

5 (b) ~~THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT~~
6 ~~RESTRICTIONS ON THE OWNING, KEEPING, OR HARBORING OF:~~

7 (1) ~~ANY DOG, REGARDLESS OF BREED, TYPE, OR HERITAGE; OR~~

8 (2) ~~A DANGEROUS DOG, AS DEFINED IN § 10-619(A) OF THE~~
9 ~~CRIMINAL LAW ARTICLE, OR A DOG THAT HAS BEEN DETERMINED TO BE~~
10 ~~POTENTIALLY DANGEROUS IN ACCORDANCE WITH § 10-619(C) OF THE~~
11 ~~CRIMINAL LAW ARTICLE.~~

12 (c) ~~REGARDLESS OF THE TERMS OF ANY CONTRACT, DEED, COVENANT,~~
13 ~~RESTRICTION, INSTRUMENT, DECLARATION, RULE, BYLAW, LEASE AGREEMENT,~~
14 ~~RENTAL AGREEMENT, OR ANY OTHER DOCUMENT, A HOMEOWNER OR TENANT~~
15 ~~MAY NOT BE:~~

16 (1) ~~PROHIBITED FROM OWNING, KEEPING, OR HARBORING A DOG~~
17 ~~OF A SPECIFIC BREED, TYPE, OR HERITAGE; OR~~

18 (2) ~~DENIED OCCUPANCY IN OR EVICTED FROM RESIDENTIAL~~
19 ~~PROPERTY SOLELY BECAUSE THE PERSON OWNS, KEEPS, OR HARBORS A DOG OF~~
20 ~~A SPECIFIC BREED, TYPE, OR HERITAGE.~~

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
22 construed to apply ~~retroactively and shall be applied to and interpreted to affect any~~
23 ~~local law or ordinance prohibiting the owning, keeping, or harboring of a dog and any~~
24 ~~document governing the owning, keeping, or harboring of a dog on residential property~~
25 ~~in effect on only prospectively and may not be applied or interpreted to have any effect~~
26 ~~on or application to any local law or ordinance prohibiting the owning, keeping, or~~
27 ~~harboring of a dog before the effective date of this Act.~~

28 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2014.