

# SENATE BILL 925

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By: **Senators Ready and Hough**

Introduced and read first time: February 3, 2020

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Dangerous and Potentially Dangerous Dogs – Classification and**  
3 **Requirements**

4 FOR the purpose of repealing a certain provision of law authorizing an appropriate unit of  
5 a county or municipal corporation to determine whether a dog is potentially  
6 dangerous under certain circumstances and relating to ownership of a dangerous  
7 dog; requiring an appropriate unit of a county or municipal corporation to classify a  
8 certain dog by level of potential danger as determined by certain factors, subject to  
9 certain exceptions; requiring a certain unit to provide a certain person written notice  
10 of the classification of a certain dog and the reason for the classification; authorizing  
11 a certain person to appeal a classification by a certain unit; requiring a certain unit  
12 to classify a dog as dangerous under certain circumstances, subject to certain  
13 exceptions; requiring a certain unit to euthanize a certain dog under certain  
14 circumstances with certain exceptions; requiring a dog that has been classified under  
15 a certain classification by a unit to be identified in a certain manner; authorizing a  
16 unit to require a certain person, under certain circumstances, to pay a certain fee,  
17 obtain and maintain public liability insurance, and complete a responsible pet  
18 ownership program; requiring a certain person to comply with certain conditions if  
19 a dog has been classified under a certain classification; requiring a certain unit to  
20 declassify a dog under certain circumstances; providing that this Act does not apply  
21 to certain dogs; establishing certain penalties for violations of this Act; defining  
22 certain terms; and generally relating to the classification of dangerous and  
23 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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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Criminal Law  
2 Section 10–619  
3 Annotated Code of Maryland  
4 (2012 Replacement Volume and 2019 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
6 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.

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

11 (i) without provocation has killed or inflicted severe injury on a  
12 person; or

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

16 1. bites a person;

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

19 3. attacks without provocation.

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

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

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

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

28 (c) An appropriate unit of a county or municipal corporation may determine that  
29 a dog is potentially dangerous if the unit:

30 (1) finds that the dog:

1 (i) has inflicted a bite on a person while on public or private real  
2 property;

3 (ii) when not on its owner's real property, has killed or inflicted  
4 severe injury on a domestic animal; or

5 (iii) has attacked without provocation; and

6 (2) notifies the dog owner in writing of the reasons for this determination.

7 (d) A dog owner may not:

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

10 (i) confined indoors;

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

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

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

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

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

19 (2) the person taking possession of the dog, of the dangerous behavior or  
20 potentially dangerous behavior of the dog.

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

23 **10-619.**

24 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
25 INDICATED.

26 (2) "AT LARGE" MEANS A DOG THAT IS NOT PHYSICALLY RESTRAINED  
27 ON THE PREMISES OF AN OWNER OR A KEEPER, INCLUDING:



1 (IV) LEVEL 4 BEHAVIOR.

2 (2) BEFORE CLASSIFYING A DOG UNDER PARAGRAPH (1) OF THIS  
3 SUBSECTION, THE CLASSIFYING UNIT SHALL CONDUCT AN INVESTIGATION WITH AN  
4 OBSERVATION OF AND 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 (3) A UNIT MAY REFRAIN FROM CLASSIFYING A DOG AS POTENTIALLY  
9 DANGEROUS IF THE UNIT DETERMINES THAT THE BEHAVIOR WAS:

10 (I) THE RESULT OF THE VICTIM ABUSING OR TORMENTING THE  
11 DOG;

12 (II) DIRECTED TOWARD A TRESPASSER; OR

13 (III) THE RESULT OF OTHER MITIGATING OR EXTENUATING  
14 CIRCUMSTANCES.

15 (D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
16 AN APPROPRIATE UNIT OF A COUNTY OR MUNICIPAL CORPORATION SHALL CLASSIFY  
17 A DOG AS A DANGEROUS DOG IF THE UNIT FINDS THAT THE DOG:

18 (I) WHETHER OR NOT AT LARGE, CAUSED SERIOUS INJURY TO  
19 OR DEATH OF ANY PERSON; OR

20 (II) WAS USED AS A WEAPON IN THE COMMISSION OF A CRIME.

21 (2) A UNIT MAY REFRAIN FROM CLASSIFYING A DOG AS A DANGEROUS  
22 DOG UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE UNIT DETERMINES THAT  
23 THE BEHAVIOR WAS:

24 (I) THE RESULT OF THE VICTIM ABUSING OR TORMENTING THE  
25 DOG;

26 (II) 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

11 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.