

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 627

(Senator Kramer, *et al.*)

Judicial Proceedings

Crimes - Unattended Dogs in Extreme Weather Conditions

This bill prohibits a person from leaving a dog outside and unattended for longer than 30 minutes without access to continuous “suitable shelter” during “extreme weather conditions.” Violators are guilty of a civil offense punishable by a warning for a first violation, a \$500 fine for a second violation, and a \$1,000 fine for a third or subsequent violation. The bill also alters the penalty for violations of certain existing prohibitions related to leaving dogs outside and unattended by use of specified types of restraints; instead of a misdemeanor, punishable by imprisonment for up to 90 days and/or a maximum fine of \$1,000, violators are guilty of a civil offense punishable by a warning for a first violation, a \$500 fine for a second violation, and a \$1,000 fine for a third or subsequent violation.

Fiscal Summary

State Effect: General fund revenues may be affected minimally due to the penalty applicable to the bill’s prohibition and the changes to the penalty applicable to certain existing prohibitions, as discussed below. Expenditures are not affected.

Local Effect: Minimal decrease in local government expenditures due to the bill’s changes to an existing penalty provision, as discussed below. Revenues are not materially affected.

Small Business Effect: None.

Analysis

Bill Summary: “Extreme weather conditions” means temperatures below 32 degrees Fahrenheit or above 90 degrees Fahrenheit, or during an active weather warning issued by

the National Weather Service. “Suitable shelter” means a structure that (1) is properly ventilated; (2) has a solid floor that is raised off the ground at least two inches; (3) has a weatherproof roof; (4) has four walls, one of which contains a doorway; (5) has insulation or heating sufficient to allow a dog to maintain its normal body temperature; and (6) is suitable for the species, age, condition, size and type of dog. “Suitable shelter” does not include (1) a crawl space that is under a building or part of a building; (2) the space under a vehicle; (3) a floor consisting of wire or chain link; or (4) a structure made from cardboard or other materials that are easily degraded by the elements.

Current Law: A person may not leave a dog outside and unattended by use of a restraint (1) that unreasonably limits the movement of the dog; (2) that uses a collar that is made primarily of metal or is not at least as large as the circumference of the dog’s neck plus one inch; (3) that restricts the access of the dog to suitable and sufficient clean water or appropriate shelter; (4) in unsafe or unsanitary conditions; or (5) that causes injury to the dog. “Restraint” and “collar” are statutorily defined terms. A violation of any of these prohibitions is a misdemeanor, punishable by imprisonment for up to 90 days and/or a \$1,000 maximum fine. (The bill replaces this penalty provision with the above-mentioned civil penalties.)

In addition, under a separate section of law, a person who has charge or custody of an animal, as owner or otherwise, may not unnecessarily fail to provide the animal with, among other things, proper shelter or proper protection from the weather. A violation of this prohibition is a misdemeanor, punishable by imprisonment for up to 90 days and/or a \$1,000 maximum fine. (This penalty is not changed by the bill.)

State Effect: General fund revenues may be affected minimally as a result of (1) any decrease in revenues (from cases heard in District Court) due to the bill’s alteration of the penalties applicable to the existing prohibitions against leaving a dog outside and unattended by use of specified types of restraints and (2) any offsetting increase in revenues (from cases heard in the District Court) from civil fines assessed for violations of the prohibition added by the bill.

Local Expenditures: Expenditures decrease minimally as a result of the bill’s repeal of the incarceration penalty pertaining to leaving dogs outside and unattended by use of specified types of restraints. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. Per diem operating costs of local detention facilities have ranged from approximately \$40 to \$170 per inmate in recent years.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 406 (Delegate Lehman, *et al.*) - Environment and Transportation.

Information Source(s): Anne Arundel, Baltimore, Garrett, Howard, and Montgomery counties; City of Laurel; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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