

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 36

(Senator Simonaire)

Judicial Proceedings

Vehicle Laws - Cats and Dogs Left Unattended - Authorized Removal

This bill removes restrictions on the general public from using reasonable force to remove cats or dogs left unattended in a standing or parked motor vehicle in a manner that endangers the health or safety of the cat or dog. Immunity from civil liability for any damages that directly result from the removal is extended to persons who act to rescue a cat or dog from an unattended standing or parked motor vehicle.

Fiscal Summary

State Effect: The bill's changes can be handled with existing resources.

Local Effect: The bill's changes can be handled with existing resources.

Small Business Effect: None.

Analysis

Current Law: A person may not leave a cat or dog unattended in a standing or parked motor vehicle in a manner that endangers the health or safety of the cat or dog. A person that violates this law is guilty of a misdemeanor and subject to a maximum fine of \$500. The prepayment penalty established by the District Court for this offense is \$70.

Reasonable force may be used by specified persons to remove a cat or dog left unattended inside a motor vehicle in violation of the law, as follows: (1) a law enforcement officer; (2) a public safety employee of the State or a local government; (3) a State or local animal control officer; (4) an officer of a State-incorporated society or association for the

prevention of cruelty to animals who is authorized to make arrests; or (5) a fire and rescue service professional or volunteer.

A person is prohibited from using force of any kind to remove a dog used by the State or a local government for police work or a cat or dog in the custody of an animal control officer.

Background: The District Court reports that, in fiscal 2015, 142 citations were issued for leaving a cat or dog unattended in a motor vehicle. Of those issued, 105 were prepaid, 4 went to trial, and 33 remained open.

Local Fiscal Impact: The counties of Anne Arundel, Baltimore, Dorchester, Garrett, Howard, and Montgomery report that no fiscal impact is anticipated from the bill's provisions.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Anne Arundel, Baltimore, Dorchester, Garrett, Howard, and Montgomery counties; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - January 15, 2016
md/kdm

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