


Overturning *Tracey v. Solesky*: How You Can Help!

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INTRODUCTIONS



The Plan: What We'll Discuss

- Overview of *Tracey v. Solesky*: key concepts and impacts
- *Solesky* ruling v. dangerous dog laws
- Recap of legislative efforts
- How you can help

GOAL: Creating a unified voice for dogs and their families!

Tracey v. Solesky Overview

- In April 2012, the Court of Appeals ruled in *Tracey v. Solesky* that “pit bulls” are “inherently dangerous.”
- Dog owners are liable for injuries a dog inflicts on a person – regardless of the dog’s past behavior.
- AND, so are landlords, property owners, and other third parties who have the right to control the dog’s presence on the premises
- This was a major shift in Maryland’s dog bite law.
- Maryland became the only state in the country with a statewide, breed specific policy.

Key Concepts

- **Common Law**
 - Comes from individual court cases NOT the legislature
 - Governs dog bites in Maryland
- **Strict liability**
 - Can apply in many different kinds of cases
 - Generally, no showing of fault is required
 - 32 states have some form of strict liability statute for dog bites
 - Still have defenses and a day in court
- **BSL** = “Breed Specific Legislation”

Key Concepts

What is a “pit bull”?

- not defined in *Solesky* (mixed breeds excluded)
- not really a breed—and breed is not a useful concept
- sometimes defined through visual identification
- sometimes defined as a list of breeds

Key Concepts

How Can This Be Fixed?

- Ruling from the highest court in Maryland
- **Ways to fix it:**
 - Court of Appeals could reverse itself
 - Supreme Court of the United States
 - **Maryland General Assembly**

Impacts

What does it mean?

- If your “pit bull” bites someone and the victim sues, you could be liable even if you had no reason to believe your dog was dangerous.
- Some landlords are giving their tenants notice that they must get rid of their dogs; others are enforcing already existing pet policies that were largely ignored until now.
- Many landlords are reconsidering what types of pets they allow – renting with dogs is becoming more difficult.
- HOAs are making it more difficult to keep “pit bulls” – even if the dog owner owns their home.
- Some shelters are seeing more pit bull-type dogs coming in from people who are unable to keep them.

Impacts

What *doesn't* it mean?

- Your landlord can immediately evict you or take your dog (*False*)
- Your dog will be automatically euthanized if it bites someone and is seized by animal control (*False*)
- “Pit bulls” are banned in Maryland (*False*)
- Legislators in Annapolis are anti-“pit bull” and have passed BSL (*False*)

Solesky Ruling v. Dangerous Dog Laws

If your dog bites someone . . .

- **What happens to my dog?**
 - An administrative process begins to determine if you will be required to take special precautions to ensure your dog isn't a risk to the public
 - Governed by county/city dangerous dog laws
- **What happens to the victim?**
 - If the victim files a suit in court, a legal process begins to determine if you are responsible for the victim's damages
 - *Tracey v. Solesky* applies IF the dog is a "pit bull"

How to Fix It (The Good News)

- Lawmakers AGREE singling out a particular breed of dog is a bad policy.
- Lawmakers AGREE landlords and other third parties should NOT be automatically liable.

How to Fix It (The Trickier News)



Where We've Been

Special Session 2012: Strict Liability

- Breed neutral standard applied to all dogs
- Limited exemptions
- Outcome?
 - Passed the Senate
 - Substantially amended in the House Judiciary Committee
 - House passed strict liability ONLY for dogs running at large

Where We've Been

Regular Session 2013: Rebuttable Presumption

- Leaders in House and Senate worked out a compromise
- Presumption that the dog owner knew/should have known the dog was dangerous
- BUT, dog owner can present evidence to show the assumption is false
- Outcome?
 - Both chambers made changes
 - Senate change made it closer to strict liability – Failed in the House

What Next?



Maryland Dogs Need Your Help!

- The Maryland General Assembly returns to Annapolis in January.
- Lawmakers are working right NOW on legislation that they will introduce.
- Leaders are trying to work out an agreement to reverse *Tracey v. Solesky* – *most likely, some version of the rebuttable presumption*.
- The details are still up in the air.
- We need to present an educated and unified front in order to succeed.

Here's how you can help . . .

Who Represents Me?

MARYLAND STATE ARCHIVES
WHO ARE YOUR ELECTED OFFICIALS

Address Find

Would you like to know who represents you in the Maryland General Assembly and U.S. Congress? To find out, just enter your home address above (do not use a P.O. box).

Note: This site has been updated with the new congressional districts but not the new legislative districts. Click here for more information.

To find out what your Legislative District will be after the 2014 Elections [Click here](#)

Related Links:

- [State Board of Elections](#)
- [Information on the Legislative Process](#)
- [Information about all members of the General Assembly](#)
- [Legislative Process](#)
- [List of the House of Delegates](#)
- [List of the Senate](#)
- [List of the U.S. Congress](#)
- [Legislative Process](#)
- [Contact your Representative](#)



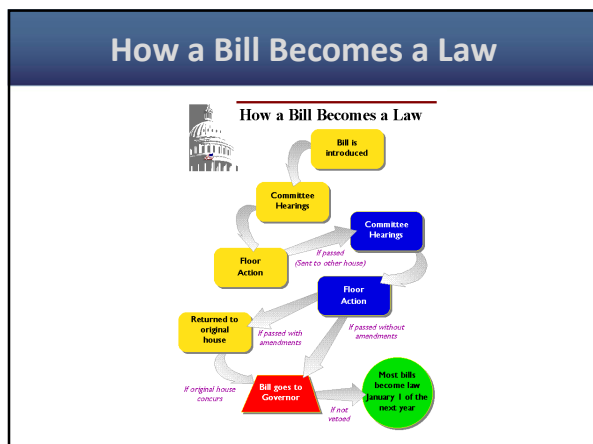
Enter your address here

<http://mdelect.net>

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Maryland General Assembly

- Two elected houses: the House of Delegates and the Senate
- 47 Senators; 141 Delegates
- ALL elected officials in MD are up for re-election every 4 years – election is coming up in Nov. 2014
- Maryland legislature meets every January for 90 days
- Learn more at <http://mlis.state.md.us/>



When to Take Action

Calls, emails and in-person visits needed . . . A LOT!

- Before a committee hearing
- Urging a committee to vote
- Before a floor vote
- **Then:** Before the second committee hearing
- Urging the second committee to vote
- Before the second floor vote
- Potentially before a conference committee meets to work out the differences
- Urging the Governor to sign the bill into law

Critical Players

Key Committees:

- Senate Judicial Proceedings
- House Judiciary

Committee Chairs:

- Sen. Brian Frosh
- Del. Joseph Vallario

Leadership:

- Senate President Mike Miller
- Speaker Mike Busch

How to know, who to contact – and when?

Quick Tips for Effective Advocacy

Background Research

- Who represents me?
- What is their legislative record and general philosophy?
- Where is the bill in the legislative process?

Message Development

- Figure out the main talking points for the issue – make sure you can explain it in two minutes or less.
- Consider other, non-animal welfare, arguments
- Tell a compelling story – why is it important to you?

Quick Tips for Effective Advocacy

Communicating with Elected Officials

- Be prepared to deliver your message – “The Ask”!
- Provide short and simple information to leave behind
- Keep communication to one topic
- Have the basic facts – you don’t have to be an expert
- When you speak to legislators, LISTEN.

Following Up

- Always follow up! It’s a great opportunity.
- Send a thank you note.
- Check in to see if they are following through on their commitments

Ways to Engage Elected Officials

- Set up a personal meeting with your legislator (or staff)
- Call your legislator
- Write your legislator
- Letters to the Editor – create a public dialogue
- Attend public meetings and ask questions relating to animal issues
- Respond to action alerts sent by B-More Dog, BAWA groups, The HSUS and others
- Stay informed through social media – interact with your legislators, too!
- Attend Humane Lobby Day in Annapolis!

Save the Date: February 4th, 2014

**Overturning *Tracey v. Solesky*:
How You Can Help!**

www.humanesociety.org/protectmddogs

Help Line:
1-855-MDDOGS1
(1-855-633-6471)

On Facebook:
www.facebook.com/bmoredog
www.facebook.com/HSUSMaryland

