

HOUSE No. 1977

The Commonwealth of Massachusetts

PRESENTED BY:

Bradford R. Hill

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to at risk dogs.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bradford R. Hill	4th Essex
Bruce E. Tarr	
Patricia D. Jehlen	Second Middlesex
Todd M. Smola	1st Hampden
Anne M. Gobi	5th Worcester
Theodore C. Speliotis	13th Essex
F. Jay Barrows	1st Bristol
Anthony W. Petruccelli	First Suffolk and Middlesex
Jennifer M. Callahan	18th Worcester
Stephen R. Canessa	12th Bristol
James B. Eldridge	Middlesex and Worcester

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1948 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO AT RISK DOGS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 140 of the General Laws is hereby amended by inserting after section 157 the
2 following six sections:

3 Section 157A.

4 “At Risk Dog” means any of the following: --

5 Any dog, regardless of breed, breeding, type or appearance, which, when unprovoked, engages in
6 any behavior that requires a defensive action by a human or domestic animal to prevent bodily injury.

7 Any dog that acts in a highly aggressive manner, when unprovoked, within a fenced yard or
8 enclosure and appears to the Animal Control Officer (ACO) to be able to jump over or escape.

9 Vocalization or barking, without more, shall not cause a dog to be deemed of a highly aggressive manner.

10 Any dog owned by a person cited more than once, in a 12-month period, for allowing said dog to
11 run at large in any public streets or places in the City or upon the premises of anyone other than the owner
12 or keeper without said owner’s or occupant’s permission.

13 “Dangerous Dog” means any of the following: --

14 Any dog, regardless of breed, breeding, type or appearance, which, when unprovoked, has killed,
15 seriously bitten, inflicted serious injury upon a domestic animal.

16 Any dog, regardless of breed, breeding, type or appearance, which, when unprovoked, in an
17 aggressive manner, inflicts severe injury on or kills a human being. Any dog previously determined to be
18 and currently listed as an At Risk Dog which, after its owner or keeper has been notified of this
19 determination, continues the behavior described in section 157A or is maintained in violation section
20 157E.

21 Section 157B. (a) No dog may be declared At Risk or Dangerous if any injury or damage is
22 sustained by a person who, at the time the injury or damage was sustained, was committing a willful
23 trespass or other tort upon, premises occupied by the owner or keeper of the dog, or was teasing,
24 tormenting, abusing, or assaulting the dog, or was committing a crime. No dog may be declared At Risk
25 or Dangerous if the dog was protecting or defending a person within the immediate vicinity of the dog
26 from an unjustified attack or assault.

27 (b) No dog may be declared At Risk or Dangerous if: The injury or damage to a domestic animal
28 was sustained while the dog was working as a hunting dog, herding dog, or predator control dog on the
29 property of, or under the control of, its owner or keeper, and the damage or injury was to a species or type
30 of domestic animal appropriate to the work of the dog. The actions of the dog under consideration
31 occurred under official duties as a military, correctional, law enforcement or protection sport dog.
32 The actions of the dog under consideration (in the discretion of the Animal Control Officer and/or the
33 Chief of Police or his/her designee) was in reaction to pain, injury or disease; or was protecting
34 itself, its kennel or its offspring.

35 Section 157C. If there are no additional instances of the behavior described in section 157A
36 within a 24 month period from the date of designation as a At Risk Dog, the dog shall be removed from

37 the list of At Risk Dogs. The dog may, but is not required to be, removed from the list of At Risk Dogs
38 prior to the expiration of the 24 month period if the owner or keeper of the dog demonstrates to the
39 animal control department that changes in circumstances or measures taken by the owner or keeper, such
40 as training of the dog, have mitigated the risk to the public safety.

41 Section 157D. Nothing in this chapter shall be construed to prevent a city or county from
42 adopting or enforcing its own program for the control of At Risk or Dangerous Dogs that may
43 incorporate all, part, or none of this chapter, or that may punish a violation of this chapter as a
44 misdemeanor or may impose a more restrictive program to control At Risk or Dangerous Dogs, provided
45 that no program shall regulate these dogs in a manner that is specific as to breed.

46 Section 157E. Duties of Animal Control when dog is deemed At Risk. When a dog is deemed to
47 be At Risk, the Chief of Police, or his/her designee may order the Owner to submit written verification
48 and /or allow inspection to confirm any or all of the following:

- 49 1. Microchip identification, the mode of which shall be designated by the Animal
50 Control Officer, if the animal is not already micro chipped.
- 51 2. Behavior training from an approved trainer, as determined by the Animal Control
52 Officer and/or the Chief of Police or his designee. The costs of said training shall
53 be borne by the Owner.
- 54 3. Rabies vaccination as required by Chapter 140 Section 145B of the General
55 Laws, if the animal is not up to date on its vaccinations, as certified by a licensed
56 veterinarian.
- 57 4. The owner provides adequate security to the premises where the At-Risk Dog is
58 kept, as specifically described in writing to the owner by the Animal Control
59 Officer. Said owner must comply within twenty-one (21) days of receiving

60 description. For good cause shown, the Chief of Police may extend this time for
61 up to sixty (60) days.

62 5. No person under the age of 18 shall own, control or be responsible for an At Risk
63 Dog.

64 6. After two (2) years of compliance and no additional infractions the dog will not
65 be considered At Risk.

66 Section 157F. Duties of Animal Control when dog is deemed Dangerous. When a dog is deemed
67 to be Dangerous, the Chief of Police, or his/her designee may order the Owner to submit written
68 verification and/or allow inspection to confirm any or all of the following:

69 1. A dog may be spayed or neutered, if the animal is not already altered. The animal will be
70 exempt from such an order if a veterinarian certifies in a written statement that the animal is
71 unfit for alterations because of medical conditions.

72 2. Microchip identification, the mode of which shall be designated by the Animal Control
73 Officer, if the animal is not already micro chipped.

74 3. Behavior training from an approved trainer, as determined by the Animal Control Officer
75 and/or the Chief of Police or his designee. The costs of said training shall be borne by the
76 Owner.

77 4. Rabies vaccination as required by Chapter 140 Section 145B of the General Laws, if the
78 animal is not up to date on its vaccination, as certified by a licensed veterinarian.

79 5. The owner provides adequate security to the premises where the Dangerous dog is kept, as
80 specifically described in writing to the owner by the Animal Control Officer. Said owner
81 must comply within twenty-one (21) days of receiving description. For good cause shown,
82 the Chief of Police may extend this time for up to sixty (60) days.

83 6. A Dangerous Dog may be off the owner's premises if it is muzzled and restrained by an
84 approved lead not exceeding four (4) feet in length and is under the control of an adult, able-

85 bodied person. The muzzle must be made in a manner that will not cause injury to the dog or
86 interfere with its vision or cause injury to the dog or interfere with its vision or respiration,
87 but must prevent it from biting any person or animal.

88 7. No person under the age of 18 shall own, control or be responsible for a Dangerous Dog.

89 8. Euthanasia