

HOUSE No. 2008

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to protect the public from condemned, vicious 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 Massachusetts General Laws, as appearing in the 2002 Official
2 edition, is hereby amended by inserting after Section 157 the following Section:--

3 Section 157A: Costs incurred by, and custody of vicious dogs during appeals process.

4 Following the order of destruction against a dog made by a municipality’s selectmen,
5 officer in charge of the animal commission, or person, organization or entity charged with the
6 responsibility of handling dog complaints made under the provisions of Section 157 of this
7 chapter, the dog officer shall immediately take custody of the dog from the owner or keeper.

8 If the owner or keeper appeals the order of destruction as outlined in Section 157 of this
9 chapter, the organization or entity charged with the responsibility of handling dog complaints
10 and impoundment shall continue to supervise the dog’s care until the owner or keeper exhausts
11 all appeals or discontinues the appeals process.

12 If a court affirms the order of destruction, the owner or keeper shall reimburse the city or
13 town for all costs that the dog incurs for housing and care during its impoundment and

14 throughout the appeals process. Any unpaid costs shall be recovered by the municipality in
15 which the aforementioned owner or keeper resides on behalf of the organization or entity
16 charged with the responsibility of handling dog complaints and impoundment by one of the
17 following methods:

18 1) A lien on any property owned by the aforementioned owner or keeper.

19 2) An additional, earmarked cost to appear on the aforementioned owner or keeper's
20 vehicle excise tax.

21 3) A direct bill sent to the aforementioned owner or keeper.

22 All funds recovered by the municipality shall be transferred to the organization or entity
23 charged with the responsibility of handling dog complaints and impoundment. In the case that
24 the aforementioned organization or entity falls under the management or direction of the said
25 municipality, any costs recovered will be distributed under the discretion of the municipality.

26 In the case that the court overturns the order of destruction, the city or town shall pay all
27 costs that the dog incurs for housing and care during its impoundment and throughout the
28 appeals process.