

SENATE No. 763

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to the establishment of a dangerous dog registry..

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

1 SECTION 1. Definitions:

2 "Dangerous Dog": shall mean a canine or canine crossbreed that has bitten, attacked, or
3 inflicted injury on a person or companion animal that is a dog or cat, or killed a companion
4 animal that is a dog or cat. However, when a dog attacks or bites a companion animal that is a
5 dog or cat, the attacking or biting dog shall not be deemed dangerous (i) if no serious physical
6 injury as determined by a licensed veterinarian has occurred to the dog or cat as a result of the
7 attack or bite, (ii) if both animals are owned by the same person, (iii) if such attack occurs on the
8 property of the attacking or biting dog's owner or custodian, or (iv) for other good cause as
9 determined by the court. No dog shall be found to be a dangerous dog as a result of biting,
10 attacking, or inflicting injury on a dog or cat while engaged with an owner or custodian as part of
11 lawful hunting or participating in an organized, lawful dog handling event.

12 SECTION 2. Notwithstanding any general or special law to the contrary, the
13 Commissioner of the Department of Public Safety shall establish and maintain the
14 Commonwealth of Massachusetts Dangerous Dog Registry. Each owner of any canine or canine

15 crossbreed found to be a dangerous dog in accordance with the provisions of this act shall be
16 required to register the animal as a dangerous dog within 30 days of the occurrence of this
17 finding. The Department of Public Safety shall receive, post, and maintain the information
18 provided by the owner, animal control officers, and other such officials statewide on a website.
19 All information collected for the Dangerous Dog Registry shall be available to animal control
20 officers and the general public via the website. Registration shall include the name of the animal,
21 a photograph, sex, age, weight, primary breed, secondary breed, color and markings, whether
22 spayed or neutered, the acts that resulted in the dog being designated as dangerous and associated
23 trial docket information, microchip or tattoo number, address where the animal is maintained,
24 name of the owner, address of the owner, telephone numbers of the owner, and a statement that
25 the owner has complied with the provisions of the dangerous dog order. The address of the
26 owner along with the name and breed of the dangerous dog, the acts that resulted in the dog
27 being deemed dangerous, and information necessary to access court records of the adjudication
28 shall be available to the general public. By January 1 of each year, until such time as the
29 dangerous dog is deceased, the owner shall submit a renewal registration that shall include all
30 information contained in the original registration and any updates. The owner shall verify the
31 information is accurate by annual resubmissions. The owner shall submit to the Department of
32 Public Safety a \$100 initial registration fee and a \$35 renewal registration fee. In the event that
33 the dangerous dog is moved to a different location, or contact information for the owner changes
34 in any way at any time, the owner shall submit a renewal containing the address of the new
35 location or other updated information within 10 days of such move or change. There shall be no
36 charge for any updated information provided between renewals. Any funds collected pursuant to

37 this section shall be used by the Department of Public Safety to maintain the registry and
38 website. The website list shall be known as the Massachusetts Dangerous Dog Registry.

39 SECTION 3. Any law-enforcement officer or animal control officer who has reason to
40 believe that a canine or canine crossbreed within his jurisdiction is a dangerous dog shall apply
41 to a magistrate of the jurisdiction for the issuance of a summons requiring the owner or
42 custodian, if known, to appear before a general district court at a specified time. The summons
43 shall advise the owner of the nature of the proceeding and the matters at issue. If a law-
44 enforcement officer successfully makes an application for the issuance of a summons, he shall
45 contact the local animal control officer and inform him of the location of the dog and the relevant
46 facts pertaining to his belief that the dog is dangerous. The animal control officer shall confine
47 the animal until such time as evidence shall be heard and a verdict rendered. If the animal control
48 officer determines that the owner or custodian can confine the animal in a manner that protects
49 the public safety, he may permit the owner or custodian to confine the animal until such time as
50 evidence shall be heard and a verdict rendered. The court, through its contempt powers, may
51 compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the
52 evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's
53 owner to comply with the provisions of this section.

54 SECTION 4. No canine or canine crossbreed shall be found to be a dangerous dog solely
55 because it is a particular breed, nor is the ownership of a particular breed of canine or canine
56 crossbreed prohibited. No animal shall be found to be a dangerous dog if the threat, injury or
57 damage was sustained by a person who was (i) committing, at the time, a crime upon the
58 premises occupied by the animal's owner or custodian, (ii) committing, at the time, a willful
59 trespass upon the premises occupied by the animal's owner or custodian, or (iii) provoking,

60 tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked,
61 tormented, abused, or assaulted the animal at other times. No police dog that was engaged in the
62 performance of its duties as such at the time of the acts complained of shall be found to be a
63 dangerous dog or a vicious dog. No animal that, at the time of the acts complained of, was
64 responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its
65 owner's or custodian's property, shall be found to be a dangerous dog.

66 SECTION 5. Failure to register according to Section 2 shall be punishable in a fine of no
67 less than \$500 and/or no more than 2 and one half years in the house of correction.