

# HOUSE . . . . . No. 4854

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, June 8, 2022.

The committee on Municipalities and Regional Government to whom was referred the petition (accompanied by bill, House, No. 2209) of David T. Vieira relative to orders for remedial action for certain nuisance and dangerous dogs, reports recommending that the accompanying bill (House, No. 4854) ought to pass.

For the committee,

PAUL F. TUCKER.

**HOUSE . . . . . No. 4854**

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Second General Court  
(2021-2022)**

An Act relative to dangerous 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           SECTION 1. Section 157 of chapter 140 of the General Laws, as appearing in the 2020  
2 official edition, is hereby amended by inserting in subsection (a)(4), in line 29, after the words  
3 “dangerous dog.” the following sentences:- The hearing authority shall hold the public hearing  
4 within 30 days of the complaint after adequate notice, unless continued by agreement of both  
5 parties. Failure to provide such notice shall result in a dismissal with prejudice.

6           SECTION 2. Section 157 of chapter 140 of the General Laws is hereby further amended  
7 by inserting in subsection (a)(4), in line 30, after the word “hearing,” the following words:-  
8 limited to the issues in the hearing notice,

9           SECTION 3. Section 157 of chapter 140 of the General Laws, is hereby further amended  
10 in subsection (c)(ii), in lines 48-49, by striking the words “locked pen or dog run area” and  
11 replacing with the following words:- a 6-foot high proof fence or dog run area that is dig-proof  
12 that gives the dog room to freely move around and that gives enough room that the dog’s food is  
13 at least eight feet from where the dog can urinate or defecate, and that such animals excretions be

14 removed daily. (ii) that the dog shall be confined to the premises of the keeper of the dog;  
15 provided, however, that “confined” shall mean securely confined indoors or confined outdoors in  
16 a securely enclosed and locked pen or dog run area upon the premises of the owner or keeper;  
17 provided further, that such pen or dog run shall have a secure roof and, if such enclosure has no  
18 floor secured to the sides thereof, the sides shall be embedded into the ground for not less than 2  
19 feet; and provided further, that within the confines of such pen or dog run, a dog house or proper  
20 shelter from the elements shall be provided to protect the dog;

21 SECTION 4. Section 157 of chapter 140 of the General Laws is hereby further amended  
22 by inserting in subsection (c)(iii), in line 58, after the word “muzzled,” the following words:-  
23 with a basket or basket-type muzzle

24 SECTION 5. Section 157 of chapter 140 of the General Laws is hereby further amended  
25 by inserting after subsection (c)(vi) the following new subsection:- (c)(vii) that the owner of  
26 keeper of the dog consults with a veterinarian, behaviorist, or trainer to develop a public safety  
27 and behavior modification plan that exclusively employs evidence-based training techniques that  
28 do not result in pain, discomfort, fear, or anxiety. Electric, prong, or choke collars shall not be  
29 used at part of this modification plan. All professionals involved in the dog’s modification plan  
30 shall be educated in and employ methods that adhere to the principles of the American  
31 Veterinary Society of Animal Behavior and the American College of Veterinary Behaviorists; or

32 SECTION 6. Section 157A of chapter 140 of the General Laws is hereby further  
33 amended by striking in section (c), in line 83, the words “(vii) that the dog” and replacing with  
34 the words;- (viii) that the dog

35 SECTION 7. Section 157 of chapter 140 of the General Laws is hereby further amended  
36 by inserting in subsection (c) in line 85 after the word “removed” the following words:- or  
37 excluded

38 SECTION 8. Section 157 of chapter 140 of the General Laws, is hereby further amended  
39 by adding in at the end of subsection (c) the following sentence:-

40 Once the complaint has been filed and the owner or keeper notified, the owner or keeper  
41 shall not transfer ownership of the dog.

42 SECTION 9. Section 157 of chapter 140 of the General Laws, is hereby further amended  
43 by striking, in subsection (c), in line 88, the word “an” and replacing with the following word:-  
44 any

45 SECTION 10. Section 157 of chapter 140 of the General Laws, is hereby further  
46 amended by inserting in subsection (d) in line 89 after the word, “inclusive,” the following  
47 words:- or (h),

48 SECTION 11. Section 157 of chapter 140 of the General Laws, is hereby amended by  
49 striking in subsection (d), in line 97, the word, “A” and replacing with the word:- Either

50 SECTION 12. Section 157 of chapter 140 of the General Laws, is hereby further  
51 amended by striking in subsection (h) the sentences “Upon receipt of such notice, the owner may  
52 file a petition with the hearing authority, within 7 days, for the return of the dog to the owner.  
53 The owner or keeper shall be ordered to immediately surrender to the licensing authority the  
54 license and tags in the person's possession, if any, and the owner or keeper shall be prohibited  
55 from licensing a dog within the commonwealth for 5 years. A hearing authority that determines

56 that a dog is dangerous or a nuisance or that a dog owner or keeper has violated an order issued  
57 under this section shall report such violations to the issuing licensing authority within 30 days.”

58 and replacing with the following sentences:-

59           Upon receipt of such notice, the owner may file a petition with the hearing authority for a  
60 public hearing, within 7 days, for the return of the dog to the owner. A hearing authority that  
61 determines that a dog is dangerous or a nuisance or that a dog owner or keeper has violated an  
62 order issued under this section shall report such violations to the issuing licensing authority  
63 within 30 days. The owner or keeper shall be ordered to immediately surrender to the licensing  
64 authority the license and tags in the person's possession, if any, and the owner or keeper may be  
65 prohibited from licensing a dog within the commonwealth for 5 years.