

SENATE No. 1459

The Commonwealth of Massachusetts

PRESENTED BY:

Mark C. Montigny

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 adoption of the accompanying bill:

An Act relative to dangerous dogs.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	
<i>Mark D. Sylvia</i>	<i>10th Bristol</i>	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/3/2025</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/7/2025</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/14/2025</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>3/4/2025</i>

SENATE No. 1459

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 1459) of Mark C. Montigny, Mark D. Sylvia, Michael O. Moore, James K. Hawkins and other members of the General Court for legislation to impound dangerous dogs pending a public hearing. Municipalities and Regional Government.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

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 2022
2 Official Edition, is hereby amended by inserting in subsection (a), in line 26, the following
3 paragraph:-

4 If a hearing authority, as defined in section 136A of this chapter, seeks that a dog be
5 impounded pending the public hearing following: (i) a complaint for a dangerous dog or (ii) a
6 notice of violation that a dog is being kept in violation of this section or in violation of an order
7 issued under this section by a hearing authority or a court, the hearing authority shall file a
8 petition in the district court to request an order of impoundment at a facility the municipality uses
9 to shelter animals. Should the hearing authority seek to impound any dog, who has bitten and
10 broken the skin of a human or animal, for any length of time beyond any state mandated
11 quarantine period, an order of impoundment must be requested. A municipality shall not incur
12 liability for failure to request impoundment of a dog under this subsection. A justice of a district

13 court, upon probable cause to believe that a dog is a dangerous dog or that a dog is being kept in
14 violation of this section or in violation of an order issued under this section by a hearing
15 authority or a court, may issue an order:

16 (i) of restraint;

17 (ii) of confinement of the dog as considered necessary for the safety of other animals and
18 the public; provided, however, that if an order of confinement is issued, the person to whom the
19 order is issued shall confine the dog in accordance with clause (ii) of subsection (d);

20 (iii) of impoundment in a humane place of detention that the municipality uses to shelter
21 animals; or

22 (iv) any other action as the court deems necessary to protect other animals and the public
23 from the dog.

24 SECTION 2. Section 157 of chapter 140 of the General Laws is hereby further amended
25 by inserting, in line 27, after the word "complaint" the following words:- and of any violations of
26 orders issued under this section

27 SECTION 3. Section 157 of chapter 140 of the General Laws is hereby further amended
28 by striking out the words "or a dangerous dog" and inserting in place thereof the following
29 words:- , a dangerous dog or whether a violation of an order issued under this section has been
30 found

31 SECTION 4. Section 157 of chapter 140 of the General Laws hereby further amended in
32 subsection (a)(4), in line 29, by inserting after the first sentence of the second paragraph, the
33 following 3 sentences:-

34 If the biting dog has broken skin of a human or domestic animal, then an animal control
35 officer, police officer, or hearing authority may order the dog, while outside of an enclosed
36 structure, be leashed and wear a humane basket or basket-type muzzle until the hearing. The
37 hearing authority shall hold the public hearing within 30 days of the complaint after adequate
38 notice, unless continued by agreement of both parties. Failure to provide such notice shall result
39 in a dismissal with prejudice.

40 SECTION 5. Section 157 of chapter 140 of the General Laws is hereby further amended
41 by inserting, in line 30, after the word "hearing," the following words:- for a complaint, which
42 shall be limited to the issues in the hearing notice

43 SECTION 6. Section 157 of chapter 140 of the General Laws is hereby further amended
44 by inserting at the end of the second paragraph, in line 35, following sentence:- Based on
45 credible evidence and testimony presented at the public hearing for a violation, which shall be
46 limited to the issues in the violation notice, the hearing authority shall: (i) dismiss the violation;
47 or (ii) make a finding that the violation has occurred. Following a finding that a violation has
48 occurred, the hearing authority may order additional requirements pursuant to subsections (b)
49 and (c) of this section.

50 SECTION 7. Subsection (c) of section 157 of chapter 140 of the General Laws is hereby
51 further amended by striking out the entirety of subsection (c)(ii) and inserting in place thereof the
52 following subsection-

53 (ii) that the dog be confined to the premises of the keeper of the dog; provided, however,
54 that "confined" shall mean securely confined indoors or confined outdoors; a dog confined
55 outdoors must be kept in a fenced-in area that includes an egress to the indoors and a locked gate

56 and is surrounded with at least a 6-foot high fence with a privacy barrier, or in a securely
57 enclosed and locked pen; the owner or keeper shall ensure that the dog cannot escape by digging
58 and that no natural or artificial items near the edges of the fenced-in area or locked pen would
59 permit a dog to jump or climb over the fence or pen; the dog must be able to move freely and the
60 dog's food must be able to be placed eight feet from where the dog can urinate or defecate,
61 provided such excretions shall be removed daily; and provided further that within the confines of
62 such pen or dog run, a dog house or proper shelter from the elements shall be provided to protect
63 the dog;

64 SECTION 8. Section 157 of chapter 140 of the General Laws is hereby further amended
65 by inserting in subsection (c)(iii), in line 58, after the word "muzzle" the following words:- with
66 a basket or basket-type muzzle

67 SECTION 9. Section 157 of chapter 140 of the General Laws is hereby further amended
68 by striking, in line 82, the word "or" and inserting in place thereof the following:-

69 (vii) that the owner or keeper of the dog consults with a veterinarian, behaviorist, or
70 trainer to develop a public safety and behavior modification plan that exclusively employs
71 evidence-based training techniques that do not result in pain, discomfort, fear or anxiety;
72 provided that electric, prong or choke collars shall not be used as part of this modification plan;
73 further all professionals involved in said modification plan shall be educated in and employ
74 methods that adhere to the principles of the American Veterinary Society of Animal Behavior
75 and the American College of Veterinary Behaviorists; or

76 SECTION 10. Section 157 of chapter 140 of the General Laws is hereby amended by
77 striking out in subsection (c), in line 83, the number “(vii)” and inserting in place thereof the
78 following number:- (viii)

79 SECTION 11. Section 157 of chapter 140 of the General Laws is hereby further amended
80 by inserting, in line 84, before the word “No”, the following figure:- (d)

81 SECTION 12. Section 157 of chapter 140 of the General Laws is hereby further amended
82 by inserting, in line 85, after the word "removed" the following words:- or excluded

83 SECTION 13. Section 157 of chapter 140 of the General Laws is hereby further amended
84 by inserting, in line 88, the following subsection:- (e) Once the complaint has been filed and the
85 owner or keeper notified, the owner or keeper shall not transfer ownership of the dog.

86 SECTION 14. Section 157 of chapter 140 of the General Laws is hereby further amended
87 by striking, in line 88, the figure “(d)” and inserting in place thereof the following figure:- (f)

88 SECTION 15. Section 157 of chapter 140 of the General Laws is hereby further amended
89 by striking, in line 88, the word “an” and inserting in place thereof the following words:- receipt
90 of a written

91 SECTION 16. Section 157 of chapter 140 of the General Laws is hereby further amended
92 by striking, in line 89, the word "inclusive" and by inserting the following words:- inclusive, or
93 (j)

94 SECTION 17. Section 157 of chapter 140 of the General Laws is hereby further amended
95 by striking, in line 89, the word “a” and inserting in place thereof the following word:- the

96 SECTION 18. Section 157 of chapter 140 of the General Laws is hereby further amended
97 by inserting, in line 89, after the word "dog" the following words:- or the complainant

98 SECTION 19. Section 157 of chapter 140 of the General Laws is hereby further amended
99 by inserting, in line 95, after the word "affirm" the following words:- or otherwise resolve

100 SECTION 20. Section 157 of chapter 140 of the General Laws is hereby further amended
101 by striking, in line 97, the word "A" and inserting in place thereof the following word:- Either

102 SECTION 21. Section 157 of chapter 140 of the General Laws is hereby further amended
103 by striking, in line 99, the word "court" and inserting in place thereof the following:- court,
104 provided such request must be made within 10 days after receipt of the written decision of the
105 magistrate

106 SECTION 22. Section 157 of chapter 140 of the General Laws is hereby further amended
107 by striking, in line 100, the figure "(e)" and inserting in place thereof the following figure:- (g)

108 SECTION 23. Section 157 of chapter 140 of the General Laws is hereby further amended
109 by striking, in line 100, the number "(1)".

110 SECTION 24. Section 157 of chapter 140 of the General Laws is hereby further amended
111 by striking, in line 100, the phrase "an owner or keeper" and inserting in place thereof the
112 following words:- either party

113 SECTION 25. Section 157 of chapter 140 of the General Laws is hereby further amended
114 by striking, in line 101, the figure "(d)" and inserting in place thereof the following figure: - (f)

115 SECTION 26. Section 157 of chapter 140 of the General Laws is hereby further amended
116 by striking, in line 106, the number "(2)".

117 SECTION 27. Section 157 of chapter 140 of the General Laws is hereby further amended
118 by striking, in line 118, the figure “(f)” and inserting in place thereof the following figure: - (h)

119 SECTION 28. Section 157 of chapter 140 of the General Laws is hereby further amended
120 by striking, in line 119, the figure “(d)” and inserting in place thereof the following figure: - (f)

121 SECTION 29. Section 157 of chapter 140 of the General Laws is hereby further amended
122 by inserting, in line 124, after the word "parties" the following words:- except for the provisions
123 outlined in section 4 of chapter 249

124 SECTION 30. Section 157 of chapter 140 of the General Laws is hereby further amended
125 by striking, in line 125, the figure “(g)” and inserting in place thereof the following figure:- (i)

126 SECTION 31. Section 157 of chapter 140 of the General Laws is hereby further amended
127 by striking, in line 144, the figure “(h)” and inserting in place thereof the following figure: - (j)

128 SECTION 32. Section 157 of chapter 140 of the General Laws is hereby further amended
129 by inserting, in line 145, after the word "section," the following words:- after obtaining a court
130 order,

131 SECTION 33. Section 157 of chapter 140 of the General Laws is hereby further amended
132 by inserting, in line 146, after the word "officer" the following words:- pursuant to section 158 of
133 chapter 140

134 SECTION 34. Section 157 of chapter 140 of the General Laws is hereby further amended
135 by inserting, in line 146, after the word "the" the following words:- owner or

136 SECTION 35. Section 157 of chapter 140 of the General Laws is hereby further amended
137 by inserting, in line 149, after the word "seizure" the following words:- in writing

138 SECTION 36. Section 157 of chapter 140 of the General Laws is hereby further amended
139 by inserting, in line 149, after the word "such" the following words:- written

140 SECTION 37. Section 157 of chapter 140 of the General Laws is hereby further amended
141 by inserting, in line 150, after the word "authority" the following words:- for a public hearing

142 SECTION 38. Section 157 of chapter 140 of the General Laws is hereby further amended
143 by striking, in line 151, the words "shall" and inserting in place thereof the following words:-
144 may

145 SECTION 39. Section 157 of chapter 140 of the General Laws is hereby further amended
146 by striking, in line 152, the words "in the person's possession" and inserting in place thereof the
147 following words:- of the dog that is the subject of the violation

148 SECTION 40. Section 157 of chapter 140 of the General Laws is hereby further amended
149 by striking, in line 153, the word "shall" and inserting in place thereof the following word:- may

150 SECTION 41. Section 157 of chapter 140 of the General Laws is hereby further amended
151 in subsection (h) by striking the last sentence.

152 SECTION 42. Section 157 of chapter 140 of the General Laws is hereby further amended
153 by striking subsection (i).

154 SECTION 43. Section 157 of chapter 140 of the General Laws is hereby further amended
155 by inserting the following new subsection:-

156 (k) A hearing authority that determines that a dog is dangerous or a nuisance or that a dog
157 owner or keeper has violated an order issued under this section shall report such violations to the

158 issuing licensing authority within 30 days. Orders issued by a hearing authority shall be valid
159 throughout the commonwealth unless overturned under subsection (f) or (h).