HOUSE DOCKET, NO. 855 FILED ON: 1/19/2011

HOUSE . . . . . No. 562

The Commonwealth of Massachusetts

PRESENTED BY:

Bradford 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:

An Act relative to at risk dogs.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bradford Hill	*4th Essex*
Bruce E. Tarr	
	☐ *[District]*
	☐

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HOUSE . . . . . No. 562

By Mr. Hill of Ipswich, a petition (accompanied by bill, House, No. 562) of Bradford Hill and Bruce E. Tarr relative to potentially dangerous and vicious dogs. Municipalities and Regional Government.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *1977* OF 2009-2010.]

The Commonwealth of Massachusetts

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:

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

Section 157A.

"At Risk Dog" means any of the following: --

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

Any dog that acts in a highly aggressive manner, when unprovoked, within a fenced yard or enclosure and appears to the Animal Control Officer (ACO) to be able to jump over or escape. Vocalization or barking, without more, shall not cause a dog to be deemed of a highly aggressive manner.

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

"Dangerous Dog" means any of the following: --

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

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

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

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

Section 157C. If there are no additional instances of the behavior described in section 157A within a 24 month period from the date of designation as a At Risk Dog, the dog shall be removed from the list of At Risk Dogs. The dog may, but is not required to be, removed from the list of At Risk Dogs prior to the expiration of the 24 month period if the owner or keeper of the dog demonstrates to the animal control department that changes in circumstances or measures taken by the owner or keeper, such as training of the dog, have mitigated the risk to the public safety.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Euthanasia