

By Mr. Hill of Ipswich, petition of Bradford Hill relative to potentially dangerous dogs and vicious dogs. Local Affairs and Regional Government.

The Commonwealth of Massachusetts

In the Year Two Thousand and Three.

AN ACT RELATIVE TO 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 General Laws is hereby amended by
2 inserting after section 157 the following four sections:—

3 Section 157A. “Potentially dangerous dog” means any of the
4 following:—

5 Any dog, regardless of breed, breeding, type or appearance,
6 which, when unprovoked, on two separate occasions within the
7 prior 36 month period, engages in any behavior that requires a
8 defensive action by a domestic animal to prevent bodily injury
9 when the person and the dog are off the property of the owner or
10 keeper of the dog.

11 Any dog, regardless of breed, breeding, type or appearance,
12 which, when unprovoked, on two separate occasions within the
13 prior 36 month period, has killed, seriously bitten, inflicted
14 serious injury upon, or attacked a domestic animal off the prop-
15 erty of the owner or keeper of the dog.

16 “Vicious dog” means any of the following:—

17 Any dog, regardless of breed, breeding, type or appearance,
18 which, when unprovoked, in an aggressive manner, inflicts severe
19 injury on or kills a human being. Any dog previously determined
20 to be and currently listed as a potentially dangerous dog which,
21 after its owner or keeper has been notified of this determination,
22 continues the behavior described in paragraph (a) of section 157B
23 or is maintained in violation of paragraph (b) of said section
24 157B.

25 Section 157B. (a) No dog may be declared potentially dan-
26 gerous or vicious if any injury or damage is sustained by a person
27 who, at the time the injury or damage was sustained, was commit-
28 ting a willful trespass or other tort upon, premises occupied by the
29 owner or keeper of the dog, or was teasing, tormenting, abusing,
30 or assaulting the dog, or was committing or attempting to commit
31 a crime. No dog may be declared potentially dangerous or vicious
32 if the dog was protecting or defending a person within the imme-
33 diate vicinity of the dog from an unjustified attack or assault. No
34 dog may be declared potentially dangerous or vicious if an injury
35 or damage was sustained by a domestic animal which at the time
36 the injury or damage was sustained was teasing, tormenting,
37 abusing, or assaulting the dog.

38 (b) No dog may be declared potentially dangerous or vicious if
39 the injury or damage to a domestic animal was sustained while the
40 dog was working as a hunting dog, herding dog, or predator con-
41 trol dog on the property of, or under the control of, its owner or
42 keeper, and the damage or injury was to a species or type of
43 domestic animal appropriate to the work of the dog.

44 Section 157C. If there are no additional instances of the
45 behavior described in section 157A within a 36 month period
46 from the date of designation as a potentially dangerous dog, the
47 dog shall be removed from the list of potentially dangerous dogs.
48 The dog may, but is not required to be, removed from the list of
49 potentially dangerous dogs prior to the expiration of the 36 month
50 period if the owner or keeper of the dog demonstrates to the
51 animal control department that changes in circumstances or mea-
52 sures taken by the owner or keeper, such as training of the dog,
53 have mitigated the risk to the public safety.

54 Section 157D. Nothing in this chapter shall be construed to pre-
55 vent a city or county from adopting or enforcing its own program
56 for the control of potentially dangerous or vicious dogs that may
57 incorporate all, part, or none of this chapter, or that may punish a
58 violation of this chapter as a misdemeanor or may impose a more
59 restrictive program to control potentially dangerous or vicious
60 dogs, provided that no program shall regulate these dogs in a
61 manner that is specific as to breed.