

# HOUSE . . . . . No. 1948

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

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## The Commonwealth of Massachusetts

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In the Year Two Thousand and Seven.

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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 inserting  
2 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 prior  
7 36 month period, engages in any behavior that requires a defensive  
8 action by a domestic animal to prevent bodily injury when the  
9 person and the dog are off the property of the owner or keeper of the  
10 dog.

11 Any dog, regardless of breed, breeding, type or appearance,  
12 which, when unprovoked, on two separate occasions within the prior  
13 36 month period, has killed, seriously bitten, inflicted serious injury  
14 upon, or attacked a domestic animal off the property of the owner or  
15 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 to  
20 be and currently listed as a potentially dangerous dog which, after its  
21 owner or keeper has been notified of this determination, continues  
22 the behavior described in paragraph (a) of Section 157B or is main-  
23 tained in violation of paragraph (b) of said Section 157B.

24 Section 157B. (a) No dog may be declared potentially dangerous  
25 or vicious if any injury or damage is sustained by a person who, at

26 the time the injury or damage was sustained, was committing a  
27 willful trespass or other tort upon, premises occupied by the owner  
28 or keeper of the dog, or was teasing, tormenting, abusing, or  
29 assaulting the dog, or was committing or attempting to commit a  
30 crime. No dog may be declared potentially dangerous or vicious if  
31 the dog was protecting or defending a person within the immediate  
32 vicinity of the dog from an unjustified attack or assault. No dog may  
33 be declared potentially dangerous or vicious if an injury or damage  
34 was sustained by a domestic animal which at the time the injury or  
35 damage was sustained was teasing, tormenting, abusing, or  
36 assaulting the dog.

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

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

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