

HOUSE No. 1993

By Mr. Spellane of Worcester, petition of Robert P. Spellane and Frank M. Hynes for legislation to protect the public from vicious dogs. Municipalities and Regional Government.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT TO PROTECT THE PUBLIC FROM CONDEMNED, VICIOUS 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 Massachusetts General Laws, as appearing in
2 the 2002 Official Edition, is hereby amended by inserting after
3 Section 157 the following Section:—

4 Section 157A: Costs incurred by, and custody of vicious dogs
5 during appeals process.

6 Following the order of destruction against a dog made by a
7 municipality's selectmen, officer in charge of the animal commis-
8 sion, or person, organization or entity charged with the responsibility
9 of handling dog complaints made under the provisions of Section
10 157 of this chapter, the dog officer shall immediately take custody of
11 the dog from the owner or keeper.

12 If the owner or keeper appeals the order of destruction as outlined
13 in Section 157 of this Chapter, the organization or entity charged
14 with the responsibility of handling dog complaints and impound-
15 ment shall continue to supervise the dog's care until the owner or
16 keeper exhausts all appeals or discontinues the appeals process.

17 If a court affirms the order of destruction, the owner or keeper
18 shall reimburse the city or town for all costs that the dog incurs for
19 housing and care during its impoundment and throughout the
20 appeals process. Any unpaid costs shall be recovered by the munic-
21 ipality in which the aforementioned owner or keeper resides on
22 behalf of the organization or entity charged with the responsibility of
23 handling dog complaints and impoundment by one of the following
24 methods:—

25 1) A lien on any property owned by the aforementioned owner or
26 keeper.

27 2) An additional, earmarked cost to appear on the aforementioned
28 owner or keeper's vehicle excise tax.

29 3) A direct bill sent to the aforementioned owner or keeper.

30 All funds recovered by the municipality shall be transferred to the
31 organization or entity charged with the responsibility of handling
32 dog complaints and impoundment. In the case that the aforemen-
33 tioned organization or entity falls under the management or direction
34 of the said municipality, any costs recovered will be distributed
35 under the discretion of the municipality.

36 In the case that the court overturns the order of destruction, the
37 city or town shall pay all costs that the dog incurs for housing and
38 care during its impoundment and throughout the appeals process.