

HOUSE No. 2117

The Commonwealth of Massachusetts

PRESENTED BY:

David T. Vieira, (BY REQUEST)

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:	DATE ADDED:
<i>Angela Jasper</i>	<i>Mashpee, MA</i>	<i>1/17/2023</i>

HOUSE No. 2117

By Representative Vieira of Falmouth (by request), a petition (accompanied by bill, House, No. 2117) of Angela Jasper relative to dangerous dogs. Municipalities and Regional Government.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

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 2020
2 Official Edition, is hereby amended by inserting in subsection (a)(4), in line 29, after the first
3 sentence of the second paragraph, the following three sentences:- If the biting dog has broken
4 skin of a human, then an animal control officer, police officer, or hearing authority may order the
5 dog, while outside of an enclosed structure, be leashed and wear a humane basket or basket-type
6 muzzle until the hearing. The hearing authority shall hold the public hearing within 30 days of
7 the complaint after adequate notice, unless continued by agreement of both parties. Failure to
8 provide such notice shall result in a dismissal with prejudice.

9 SECTION 2. Section 157 of chapter 140 of the General Laws is hereby further amended
10 by inserting in subsection (a)(4), in line 30, after the word “hearing,” the following words:-
11 limited to the issues in the hearing notice,

12 SECTION 3. Section 157 of chapter 140 of the General Laws, is hereby further amended
13 by striking subsection (c)(ii) and inserting in place thereof the following section:-

14 (c)(ii) that the dog be confined to the premises of the owner or keeper of the dog;
15 provided, however, that "confined" shall mean securely confined indoors or when confined
16 outdoors, kept in a fenced-in area that includes an egress to the indoors and a locked gate and is
17 surrounded with a 6-foot high fence with a privacy barrier, or in a securely enclosed and locked
18 pen. The owner or keeper shall ensure that the dog cannot escape by digging and that no natural
19 or artificial items near the edges of the fenced-in area or locked pen would permit a dog to jump
20 or climb over the fence or pen. The dog must be able to move freely and the dog's food must be
21 able to be placed eight feet from where the dog can urinate or defecate. Such excretions shall be
22 removed daily. Within the confines of such pen or dog run, a dog house or proper shelter from
23 the elements shall be provided to protect the dog;

24 SECTION 4. Section 157 of chapter 140 of the General Laws is hereby further amended
25 by inserting in subsection (c)(iii), after the word "muzzled", in line 58, the following words:-
26 with a basket or basket-type muzzle

27 SECTION 5. Section 157 of chapter 140 of the General Laws is hereby further amended
28 by inserting after subsection (c)(vi) the following subsection:-

29 (c)(vii) that the owner or keeper of the dog consults with a veterinarian, behaviorist, or
30 trainer to develop a public safety and behavior modification plan that exclusively employs
31 evidence-based training techniques that do not result in pain, discomfort, fear, or anxiety.
32 Electric, prong, or choke collars shall not be used at part of this modification plan. All
33 professionals involved in the dog's modification plan shall be educated in and employ methods

34 that adhere to the principles of the American Veterinary Society of Animal Behavior and the
35 American College of Veterinary Behaviorists; or

36 SECTION 6. Section 157A of chapter 140 of the General Laws is hereby further
37 amended by striking in section (c), the number “(vii)”, in line 83, and replacing with the
38 following number:- (viii)

39 SECTION 7. Section 157 of chapter 140 of the General Laws is hereby further amended
40 by inserting in subsection (c), after the word “removed”, in line 85, the following words:- or
41 excluded

42 SECTION 8. Section 157 of chapter 140 of the General Laws, is hereby further amended
43 by inserting at the end of subsection (c) the following sentence:-

44 Once the complaint has been filed and the owner or keeper notified, the owner or keeper
45 shall not transfer ownership of the dog.

46 SECTION 9. Section 157 of chapter 140 of the General Laws, is hereby further amended
47 by striking, in subsection (d), the word “an”, in line 88, and inserting in place thereof the
48 following word:- any

49 SECTION 10. Section 157 of chapter 140 of the General Laws, is hereby further
50 amended by inserting, in subsection (d), after the word, “inclusive,”, in line 89, the following
51 words:- or (h),

52 SECTION 11. Section 157 of chapter 140 of the General Laws, is hereby further
53 amended by striking in subsection (d) the sentence “A party shall have the right to request a de

54 novo hearing on the complaint before a justice of the court”, in lines 97-99, and inserting in place
55 thereof the following sentence:-

56 Either party shall have the right to request a de novo hearing on the complaint before a
57 justice of the court, but such request must be made within 10 days after the decision of the
58 magistrate.

59 SECTION 12. Section 157 of chapter 140 of the General Laws, is hereby further
60 amended by inserting in subsection (h) after the word “section”, in line 145, the following
61 words:- after obtaining a court order,

62 SECTION 13. Section 157 of chapter 140 of the General Laws, is hereby further
63 amended by inserting in subsection (h) after the word “authority”, in line 150, the following
64 words:- for a public hearing

65 SECTION 14. Section 157 of chapter 140 of the General Laws, is hereby further
66 amended by striking in subsection (h) by striking, in lines 151-154, the sentence “The owner or
67 keeper shall be ordered to immediately surrender to the licensing authority the license and tags in
68 the person's possession, if any, and the owner or keeper shall be prohibited from licensing a dog
69 within the commonwealth for 5 years.”

70 SECTION 15. Section 157 of chapter 140 of the General Laws, is hereby further
71 amended by inserting at the end of subsection (h) the following sentence:-

72 The owner or keeper shall be ordered to immediately surrender to the licensing authority
73 the license and tags in the person's possession, if any, and the owner or keeper may be prohibited
74 from licensing a dog within the commonwealth for up to 5 years.