

SENATE No. 763

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen J. Buoniconti

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 bill:

An Act relative to the establishment of a dangerous dog registry.

PETITION OF:

NAME:

Stephen J. Buoniconti

DISTRICT/ADDRESS:

Hampden

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE ESTABLISHMENT OF A DANGEROUS DOG REGISTRY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Definitions:

“Dangerous Dog”: shall mean a canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal that is a dog or cat, or killed a companion animal that is a dog or cat. However, when a dog attacks or bites a companion animal that is a dog or cat, the attacking or biting dog shall not be deemed dangerous (i) if no serious physical injury as determined by a licensed veterinarian has occurred to the dog or cat as a result of the attack or bite, (ii) if both animals are owned by the same person, (iii) if such attack occurs on the property of the attacking or biting dog's owner or custodian, or (iv) for other good cause as determined by the court. No dog shall be found to be a dangerous dog as a result of biting, attacking, or inflicting injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event.

SECTION 2. Notwithstanding any general or special law to the contrary, the Commissioner of the Department of Public Safety shall establish and maintain the Commonwealth of Massachusetts Dangerous Dog Registry. Each owner of any canine or canine crossbreed found

15 to be a dangerous dog in accordance with the provisions of this act shall be required to register
16 the animal as a dangerous dog within 30 days of the occurrence of this finding. The Department
17 of Public Safety shall receive, post, and maintain the information provided by the owner, animal
18 control officers, and other such officials statewide on a website. All information collected for the
19 Dangerous Dog Registry shall be available to animal control officers and the general public via
20 the website. Registration shall include the name of the animal, a photograph, sex, age, weight,
21 primary breed, secondary breed, color and markings, whether spayed or neutered, the acts that
22 resulted in the dog being designated as dangerous and associated trial docket information,
23 microchip or tattoo number, address where the animal is maintained, name of the owner, address
24 of the owner, telephone numbers of the owner, and a statement that the owner has complied with
25 the provisions of the dangerous dog order. The address of the owner along with the name and
26 breed of the dangerous dog, the acts that resulted in the dog being deemed dangerous, and
27 information necessary to access court records of the adjudication shall be available to the general
28 public. By January 1 of each year, until such time as the dangerous dog is deceased, the owner
29 shall submit a renewal registration that shall include all information contained in the original
30 registration and any updates. The owner shall verify the information is accurate by annual
31 resubmissions. The owner shall submit to the Department of Public Safety a \$100 initial
32 registration fee and a \$35 renewal registration fee. In the event that the dangerous dog is moved
33 to a different location, or contact information for the owner changes in any way at any time, the
34 owner shall submit a renewal containing the address of the new location or other updated
35 information within 10 days of such move or change. There shall be no charge for any updated
36 information provided between renewals. Any funds collected pursuant to this section shall be

37 used by the Department of Public Safety to maintain the registry and website. The website list
38 shall be known as the Massachusetts Dangerous Dog Registry.

39 SECTION 3. Any law-enforcement officer or animal control officer who has reason to believe
40 that a canine or canine crossbreed within his jurisdiction is a dangerous dog shall apply to a
41 magistrate of the jurisdiction for the issuance of a summons requiring the owner or custodian, if
42 known, to appear before a general district court at a specified time. The summons shall advise
43 the owner of the nature of the proceeding and the matters at issue. If a law-enforcement officer
44 successfully makes an application for the issuance of a summons, he shall contact the local
45 animal control officer and inform him of the location of the dog and the relevant facts pertaining
46 to his belief that the dog is dangerous. The animal control officer shall confine the animal until
47 such time as evidence shall be heard and a verdict rendered. If the animal control officer
48 determines that the owner or custodian can confine the animal in a manner that protects the
49 public safety, he may permit the owner or custodian to confine the animal until such time as
50 evidence shall be heard and a verdict rendered. The court, through its contempt powers, may
51 compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the
52 evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's
53 owner to comply with the provisions of this section.

54 SECTION 4. No canine or canine crossbreed shall be found to be a dangerous dog solely
55 because it is a particular breed, nor is the ownership of a particular breed of canine or canine
56 crossbreed prohibited. No animal shall be found to be a dangerous dog if the threat, injury or
57 damage was sustained by a person who was (i) committing, at the time, a crime upon the
58 premises occupied by the animal's owner or custodian, (ii) committing, at the time, a willful

59 trespass upon the premises occupied by the animal's owner or custodian, or (iii) provoking,
60 tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked,
61 tormented, abused, or assaulted the animal at other times. No police dog that was engaged in the
62 performance of its duties as such at the time of the acts complained of shall be found to be a
63 dangerous dog or a vicious dog. No animal that, at the time of the acts complained of, was
64 responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its
65 owner's or custodian's property, shall be found to be a dangerous dog.

66 SECTION 5. Failure to register according to Section 2 shall be punishable in a fine of no less
67 than \$500 and/or no more than 2 and one half years in the house of correction.

68