



The Commonwealth of Massachusetts

IN THE YEAR TWO THOUSAND FIVE

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:

Chapter 140 of the General Laws is hereby amended by inserting after section 157 the following four sections:

Section 157A. "Potentially dangerous dog" means any of the following: --

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

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

"Vicious dog" means any of the following: --

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

Section 157B. (a) No dog may be declared potentially dangerous or vicious if any injury or damage is sustained by a person who, at the time the injury or damage was sustained, was committing a willful trespass or other tort upon, premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, or assaulting the dog, or was committing or attempting to commit a crime. No dog may be declared potentially dangerous or vicious if the dog was protecting or defending a person within the immediate vicinity of the dog from

an unjustified attack or assault. No dog may be declared potentially dangerous or vicious if an injury or damage was sustained by a domestic animal which at the time the injury or damage was sustained was teasing, tormenting, abusing, or assaulting the dog.

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

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

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