



HB2016 – An Act Relative to Vicious Dogs (Rep. Webster)

Referred to Joint Committee on Municipalities & Regional Government

Position paper is in progress – see below for bill text.

FOR MORE INFORMATION:

Massachusetts Federation of Dog Clubs and Responsible Dog Owners

Nancy Fisk, Vice President; akikoakitas@aol.com; 508-966-4564

Holly Stump, Legislative Specialist; hollystump@hickoryhillkennel.com; 508-843-6358

MassFed: 05/14/09

HOUSE DOCKET, NO. 1062 FILED ON: 1/12/2009

HOUSE No. 2016

The Commonwealth of Massachusetts

PRESENTED BY:
Daniel K. Webster

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 vicious dogs.

Daniel K. Webster 6th Plymouth

[SIMILAR MATTER FILED IN PREVIOUS SESSION

SEE HOUSE, NO. 2004 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO 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:

SECTION 1. Section 157 of Chapter 140 of the General Laws is hereby amended by inserting the following language after the words "in which case such order shall be reversed": - During the ten days following the order of such selectmen, officer in charge of the animal commission or persons charged with the responsibility of handling dog complaints or county commissioners, and during the pendency of a petition in the district court praying for review of said order, including the pendency of a request for a de novo hearing on the petition before a justice of the court, the selectmen, officer in charge of animal commission or persons charged with the responsibility of handling dog complaints or county commissioners may order said dog restrained as may be deemed necessary.

CURRENT LAW TO BE AMENDED

Chapter 140: Section 157. Vicious dogs; nuisance; barking or other disturbance; annoyance to sick person; attacks on other dogs

Section 157. If any person shall make complaint in writing to the selectmen of a town, the officer in charge of the animal commission or person charged with the responsibility of handling dog complaints of a city, or the county commissioners, that any dog owned or harbored within his or their jurisdiction is a nuisance by reason of vicious disposition or excessive barking or other disturbance, or that any such dog by such barking or other disturbance is a source of annoyance to any sick person residing in the vicinity such selectmen, officer in charge of the animal commission or person charged with the responsibility of handling dog complaints or county commissioners shall investigate or cause to be investigated such complaint, including an examination on oath of the complainant, and may make such order concerning the restraint or disposal of such dog as may be deemed necessary. Within ten days after such order the owner or keeper of such dog may bring a petition in the district court within the judicial district of which the dog is owned or kept, addressed to the justice of the court, praying that the order may be reviewed by the court, or magistrate thereof, and after such notice to the officer or officers involved as the magistrate deem necessary the magistrate shall review such action, hear the witnesses and affirm such order unless it shall appear that it was made without proper cause or in bad faith, in which case such order shall be reversed. **INSERT NEW TEXT HERE** Any party shall have the right to request a de novo hearing on the petition before a justice of the court. The decision of the court shall be final and conclusive upon the parties. Any person owning or harboring such dog who shall fail to comply with any order of the selectmen, officer in charge of the animal commission or person charged with the responsibility of handling dog complaints, county commissioners or district court, as the case may be shall be punished by a fine of not more than twenty-five dollars for the first offense and not more than one hundred dollars for a second or subsequent offense, or by imprisonment for not more than thirty days, for the first offense and not more than sixty days for a second or subsequent offense, or both.

The act of a dog in attacking or biting another dog or other animal may be made the subject of a complaint under the provisions of this section.

Magistrates shall exercise their authority hereunder subject to the limitations of section sixty-two C of chapter two hundred and twenty-one.