



OPPOSE SB763 – An Act Relative to the Establishment of a Dangerous Dog Registry (Sen. Buoniconti)

PROBLEM:

Defining a dangerous dog and alerting the public to the presence of a dog that has been deemed dangerous.

WHAT THIS BILL DOES:

This bill defines dangerous dogs and creates a statewide online registry for dangerous dogs to be maintained by the Department of Public Safety.

WHY YOU SHOULD OPPOSE:

1. This effort will not provide any additional benefits beyond on-site signage, which we feel is the most effective way to warn of potential exposure to a dog with a history of dangerous behaviors.
2. Privacy issues will be violated by the amount of information included in an online registry. Requirements of the online registry are sufficient to afford easy identity theft.
3. Easy anonymous access to the online registry will lead to harassment and malicious behaviors such as theft or poisoning.
4. We do not support the definition of "dangerous dog" included in this bill but support the dangerous dog definition included in HB1977 which is more comprehensive.

FOR MORE INFORMATION:

Massachusetts Federation of Dog Clubs and Responsible Dog Owners

Holly Stump, Board Member; hollystump@hickoryhillkennel.com; 508-843-6358

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

MassFed: 03/12/09

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Buoniconti, Stephen (SEN)

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:	DISTRICT/ADDRESS:
Buoniconti, Stephen (SEN)	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 to be a dangerous dog in accordance with the provisions of this act shall be required to register the animal as a dangerous dog within 30 days of the occurrence of this finding. The Department of Public Safety shall receive, post, and maintain the

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

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

SECTION 4. No canine or canine crossbreed shall be found to be a dangerous dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited. No animal shall be found to be a dangerous dog if the threat, injury or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian, (ii) committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian, or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a dangerous dog.

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