

**HOUSE . . . . . No. 2102****The Commonwealth of Massachusetts**

PRESENTED BY:

***Angelo J. Puppolo, Jr.****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 enhancing the issuance of citations for cruel conditions for animals.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/19/2023</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>2/23/2023</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>2/23/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/23/2023</i>
<i>Steven George Xiarhos</i>	<i>5th Barnstable</i>	<i>2/23/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/23/2023</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>2/23/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/23/2023</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>	<i>2/23/2023</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/23/2023</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/23/2023</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>2/23/2023</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	<i>2/23/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>2/23/2023</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>	<i>3/13/2023</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>5/1/2023</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>	<i>5/3/2023</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>6/7/2023</i>

# HOUSE . . . . . No. 2102

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By Representative Puppolo of Springfield, a petition (accompanied by bill, House, No. 2102) of Angelo J. Puppolo, Jr., and others relative to enhancing the issuance of citations for cruel conditions for animals. Municipalities and Regional Government.

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## The Commonwealth of Massachusetts

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

An Act enhancing the issuance of citations for cruel conditions for animals.

*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 174E of chapter 140 of the General Laws, as so appearing, is  
2 hereby amended by striking subsection (g) and inserting in place thereof the following  
3 subsection:-

4           (g) No person owning or keeping a domestic animal shall subject the animal to “cruel  
5 conditions.”

6           For the purposes of this section, a “domestic animal” is all animals, regardless of their  
7 purpose or use, including livestock, that are kept as a domestic animal.

8           For the purposes of this subsection, "cruel conditions" includes, but is not limited to, the  
9 following:

10           (1) exposure to excessive animal waste, garbage, non-potable water, excessive noxious  
11 odors that create a health threat to people or animals, dangerous objects or other animals that

could injure or kill an animal upon contact, other circumstances that could cause harm to the health or safety of the animal based on species, age or physical condition; or failure to provide access to appropriate food and water based on the animal's species, age and physical condition.

(2) lack of protection when wind or environmental or weather conditions pose an adverse risk to the health or safety of the animal based on the animal's species, age, or physical condition.

SECTION 2. Subsection (h) of section 174E of chapter 140 of the General Laws, as so appearing, is hereby amended by inserting at the beginning thereof the following:-

A person who violates this section shall: (i) for a first offense, be issued a written warning or punished by a fine of not more than \$50; (ii) for a second offense, be punished by a fine of not more than \$200; and (iii) for a third or subsequent offense, be punished by a fine of not more than \$500; provided, however, that for a third or subsequent offense, the animal may be subject to impoundment in a local shelter or appropriate facility at the owner's, keeper's or guardian's expense pending compliance with this section, or loss of ownership of the animal.

SECTION 3. Section 174E of chapter 140 of the General Laws, as so appearing, is hereby amended by inserting, in line 100, after the word "special" the following word:- state

SECTION 4. Section 174E of chapter 140 of the General Laws, as so appearing, is hereby amended by striking, in line 102, the word "and" and inserting in place thereof the following:- or

SECTION 5. Section 174E of chapter 140 of the General Laws, as so appearing, is hereby amended by inserting the following subsection:-

(j) Nothing in this section shall preclude prosecution under section 77 of chapter 272.

SECTION 6. Section 35WW of chapter 10 of the General Laws, as so appearing, is hereby amended by inserting after the figure “62”, in line 17, the following words:- , fines collected pursuant to section 37 of chapter 129.

SECTION 7. Section 37 of said chapter 129, as so appearing, is hereby amended by inserting after the fourth sentence the following sentence:- A fine assessed under this section shall be deposited into the Homeless Animal Prevention and Care Fund established in section 35WW of chapter 10.