

HOUSE No. 1703**The Commonwealth of Massachusetts**

PRESENTED BY:

Tram T. Nguyen and Vanna Howard*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 to protect animals from convicted animal abusers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>1/14/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>1/17/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/25/2023</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/27/2023</i>
<i>Steven George Xiarhos</i>	<i>5th Barnstable</i>	<i>1/30/2023</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>1/30/2023</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/30/2023</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>1/31/2023</i>
<i>Thomas P. Walsh</i>	<i>12th Essex</i>	<i>2/2/2023</i>
<i>Ryan M. Hamilton</i>	<i>15th Essex</i>	<i>2/2/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/3/2023</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>2/6/2023</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>2/6/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/6/2023</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>2/6/2023</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/6/2023</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>2/7/2023</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>	<i>2/7/2023</i>

<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/7/2023</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/8/2023</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>2/13/2023</i>
<i>Samantha Montaña</i>	<i>15th Suffolk</i>	<i>2/16/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/19/2023</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/23/2023</i>
<i>Adrienne Pusateri Ramos</i>	<i>14th Essex</i>	<i>3/9/2023</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>3/27/2023</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>3/28/2023</i>

HOUSE No. 1703

By Representatives Nguyen of Andover and Howard of Lowell, a petition (accompanied by bill, House, No. 1703) of Tram T. Nguyen, Vanna Howard and others for legislation to protect animals from convicted animal abusers. The Judiciary.

The Commonwealth of Massachusetts

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

An Act to protect animals from convicted animal abusers.

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. Chapter 272 of the General Laws is hereby amended by inserting after
2 section 77 the following section:-

3 Section 77 ½ : Prohibition on access to animals by convicted animal abusers

4 (a) A person convicted of a violation of sections 77 , 77C , 80 ½ , 94 , or 95 of chapter
5 272 or section 112 of chapter 266 shall not harbor, own, possess, exercise control over, reside
6 with, adopt, or foster an animal or engage in an occupation, whether paid or unpaid, or
7 participate in a volunteer position at any establishment where animals are present for any length
8 of time that the court deems reasonable for the protection of all animals; provided, however, that
9 the length of time shall not be less than 5 years after the person's date of conviction or release
10 from custody, whichever is later, for a first offense or less than 15 years after the person's date of
11 conviction or release from custody, whichever is later, for a second or subsequent offense .

(b) The court shall notify relevant authorities of the duration of the prohibition within 30 days. Such authorities shall include any municipal officer involved with animal control and any municipal official responsible for the issuance of dog licenses in the municipality of the offender's residence or residences, any special state police officer duly appointed by the colonel of the state police at the request of the Massachusetts Society for the Prevention of Cruelty to Animals or the Animal Rescue League of Boston under section 57 of chapter 22C, and if the offender will serve a probationary sentence, the probation department. Such notice to authorities shall not be a public record under clause twenty-sixth of section 7 of chapter 4 or chapter 66.

(c) A person convicted of a violation of sections 77, 77C, 80 ½, 94, or 95 of chapter 272 or section 112 of chapter 266, as a first offense, may petition the court to reduce the duration of the prohibition no more than once per year . Such petition shall include: (i) an identification by county and docket number of the proceeding in which the petitioner was convicted; (ii) the date the judgment of conviction entered; (iii) the sentence imposed following conviction; (iv) a statement identifying all previous proceedings for direct and collateral review and the orders or judgments entered; and (v) all grounds for reduction of the duration of the prohibition claimed by the petitioner. The petitioner shall have the burden of establishing by a preponderance of evidence all of the following: (i) the petitioner does not present a danger to animals; (ii) the petitioner has the ability to properly care for any and all animals the petitioner may harbor, own, possess, exercise control over, reside with, adopt, or foster, or with whom the petitioner may engage in an occupation, whether paid or unpaid, or with whom the petitioner may participate in a volunteer position at any establishment; and (iii) the petitioner has successfully completed relevant classes and counseling deemed sufficient by the court. The petitioner shall serve a copy of the petition upon the office of the prosecuting attorney and, if at the time of filing the

petitioner is serving a probationary sentence, the probation department. Upon receipt of a petition, the court shall schedule a hearing. The prosecuting attorney shall respond to the petition, specifying whether the petitioner presents a danger to animals and whether the petitioner should have the duration of the prohibition reduced. If the petitioner has met their burden, the court may reduce the prohibition, issuing corresponding notice as established in subsection (b) and may order that the petitioner instead comply with reasonable and unannounced inspections of the petitioner's residence or residences, for a period of time the court deems appropriate, by an animal control officer as defined in section 136A of chapter 140 or a police officer or special state police officer appointed under section 57 of chapter 22C.

(d) Any person found in violation of an order incorporating the provisions of this section, in addition to any other punishment provided by law, may be fined in an amount not exceeding \$1,000 for each animal held in unlawful ownership or possession; shall forfeit custody of any animal involved in a violation of this section to the custody of an entity incorporated under the laws of the commonwealth for the prevention of cruelty to animals or for the care and protection of homeless or suffering animals ; and shall not harbor, own, possess, exercise control over, reside with, adopt, or foster an animal or engage in an occupation, whether paid or unpaid, or participate in a volunteer position at any establishment where animals are present for 5 years for a first offense or 15 years for a second or subsequent offense.

SECTION 2. Section 77C (d) of Chapter 272 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out the second paragraph and inserting in its place thereof the following sections:-

56 A person convicted of a violation of this section shall be subject to the prohibition on
57 access to animals as required by section 77 ½ of chapter 272.

58 SECTION 3. Section 35WW of chapter 10 of the General Laws, as appearing in the 2016
59 Official Edition, is hereby amended by inserting after the figure “62”, in line 17, the following
60 words:- , fines collected pursuant to section 37 of chapter 129.

61 SECTION 4. Section 37 of said chapter 129, as so appearing, is hereby amended by
62 inserting after the fourth sentence the following sentence:- A fine assessed under this section
63 shall be deposited into the Homeless Animal Prevention and Care Fund established in section
64 35WW of chapter 10.