

SENATE No. 1076

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

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 relative to the ownership of pets by convicted animal abusers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/26/2023</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>2/2/2023</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>2/8/2023</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>2/8/2023</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>2/15/2023</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>2/22/2023</i>
<i>Adam Gomez</i>	<i>Hampden</i>	<i>2/22/2023</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>3/2/2023</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>3/22/2023</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>3/29/2023</i>

SENATE No. 1076

By Mr. Moore, a petition (accompanied by bill, Senate, No. 1076) of Michael O. Moore, Jack Patrick Lewis, Patrick M. O'Connor, Brian M. Ashe and other members of the General Court for legislation relative to the ownership of pets by convicted animal abusers. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2672 OF 2021-2022.]

The Commonwealth of Massachusetts

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

An Act relative to the ownership of pets by 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. Section 35WW of chapter 10 of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by inserting after the figure “62”, in line 17, the following
3 words:- , fines collected pursuant to section 37 of chapter 129.

4 SECTION 2. Said section 35WW of said chapter 10, as so appearing, is hereby further
5 amended by inserting after the figure “140”, in line 9, the following words:- and include the
6 writing of citations under section 174E of chapter 140.

7 SECTION 8. Chapter 272 of the General Laws is hereby amended by inserting after
8 section 77 the following section:-

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

(a) A person convicted of a violation of this section or of sections 77, 80 ½, 94, or 95 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 any length of time that the court deems reasonable for the protection of all animals; provided, however, that the length of time shall not be less than 5 years after the person's release from custody for a first offense or less than 15 years after the person's release from custody 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, and 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. 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 the provisions in this section, 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

33 does not present a danger to animals; (ii) the petitioner has the ability to properly care for any
34 and all animals the petitioner may harbor, own, possess, exercise control over, reside with, adopt,
35 or foster, or with whom the petitioner may engage in an occupation, whether paid or unpaid, or
36 with whom the petitioner may participate in a volunteer position at any establishment; and (iii)
37 the petitioner has successfully completed relevant classes and counseling deemed sufficient by
38 the court. The petitioner shall serve a copy of the petition upon the office of the prosecuting
39 attorney. The district attorney shall respond to the petition, specifying whether the petitioner
40 presents a danger to animals and whether the petitioner should have the duration of the
41 prohibition reduced. Upon receipt of a petition, the court shall schedule a hearing. If the
42 petitioner has met their burden, the court may reduce the prohibition, issuing corresponding
43 notice as established in subsection (b) and may order that the petitioner instead comply with
44 reasonable and unannounced inspections of the petitioner's residence or residences, for a period
45 of time the court deems appropriate, by an animal control officer as defined in section 136A of
46 chapter 140 or a police officer or special state police officer appointed under section 57 of
47 chapter 22C.

48 (d) Any person found in violation of an order incorporating the provisions of this section
49 may, in addition to any other punishment provided by law, be fined in an amount not exceeding
50 \$1,000 for each animal held in unlawful ownership or possession and shall forfeit custody of any
51 animal involved in a violation of this section to the custody of an entity incorporated under the
52 laws of the commonwealth for the prevention of cruelty to animals or for the care and protection
53 of homeless or suffering animals.

54 SECTION 9. Section 77C of said chapter 272, as so appearing, is hereby amended by
55 inserting after the word, "present", in line 58, the following words:- , adopt or foster an animal,

SECTION 10. Said section 77C of said chapter 272, as so appearing, is hereby further amended by inserting after the word, “custody”, in line 63, the following words:- for a first offense or less than 15 years after the person’s second or subsequent offense.

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, and 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. Such notice to authorities shall not be a public record under clause twenty-sixth of section 7 of chapter 4 or chapter 66.