



HEARING 07/18/17

1pm State House  
Rm A1

## **OPPOSE HB852 – An Act Relative to Establishing an Animal Abuse Registry [Rep. Steven Howitt (R)]**

Referred to Joint Committee on the Judiciary

With provisions considered in previous legislative sessions, HB852 would create an animal abuser registry, which would list all those who reside in Massachusetts and have been convicted of an animal abuse crime. Abuser registration would remain in effect for five years, and those convicted of animal abuse would be required to pay \$50 annually to be included. Those failing to fully comply with the registration requirements would be subject to prison terms up to five years and fines up to \$5,000. All animal breeders in Massachusetts would be required to check the registry prior to transferring a pet and would be prohibited from transferring an animal to any person listed on the registry. Breeders failing to comply would be subject to fines of not less than \$1,000 and imprisonment of up to five years for failure to comply.

The AKC remains concerned with legislation that provides for the creation and maintenance of animal abuser registries. We believe that the animal abuse registry requirements that would be created by HB852 could easily be evaded. For example, an individual convicted of animal cruelty could easily evade tracking by providing sellers with fake or altered names, or by not providing updated addresses. Furthermore, the provisions of HB852 could unfairly subject animal sellers who performed the required check to fines because an evasive buyer's actions avoided registry tracking. Furthermore, no evidence exists to show that animal abuse registries reduce the rates of second or subsequent offenses or of deterring other potential animal cruelty violators. The AKC believes a better use of the Commonwealth's resources would focus on and utilize enforcement activities that are proven effective, and encourages amendments to HB852 in line therewith.

Source: AKC Government Relations

### **FOR MORE INFORMATION:**

**Massachusetts Federation of Dog Clubs and Responsible Dog Owners**

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07/01/17

**HOUSE . . . . . No. 852**

**The Commonwealth of Massachusetts**

PRESENTED BY:  
**Steven S. Howitt**

*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 establishing an animal abuse registry.

PETITION OF:  
NAME: DISTRICT/ADDRESS:  
*Steven S. Howitt 4th Bristol*  
*F. Jay Barrows 1st Bristol*  
*Richard J. Ross Norfolk, Bristol and Middlesex*

**HOUSE . . . . . No. 852**

By Mr. Howitt of Seekonk, a petition (accompanied by bill, House, No. 852) of Steven S. Howitt, F. Jay Barrows and Richard J. Ross for legislation to establish an animal abuse registry.  
The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1385 OF 2015-2016.]

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninetieth General Court  
(2017-2018)**

An Act relative to establishing an animal abuse registry.  
*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, as appearing in the 2012 Official Edition,
- 2 is hereby amended by inserting at the end thereof the following new section:-
- 3 Section 106. Animal Abuse Registry
- 4 (a) DEFINITIONS.
- 5 The following words as used in this chapter, unless the context otherwise requires, shall
- 6 have the following meanings:
- 7 "animal abuse crime", the commission of any crime against an animal under Chapter 272,
- 8 Sections 77 through 81, inclusive, of the General Laws, and the comparable animal cruelty
- 9 statutes of any other state.
- 10 "animal breeder", any entity engaged in the practice of facilitating the reproduction of
- 11 animals for the purpose of distributing the resulting offspring to one or more other individuals or
- 12 entities.
- 13 "animal shelter", a public animal control facility, or any other facility which is operated
- 14 by any organization or individual for the purpose of protecting animals from cruelty, neglect, or
- 15 abuse.

16 “convicted of”, an adjudication of guilt by any court of competent jurisdiction, whether  
17 upon a verdict or plea of guilty or nolo contendere.

18 “pet store”, every place or premise where birds, mammals or reptiles are kept for the  
19 purpose of sale at either wholesale or retail, import, export, barter, exchange or gift.

20 (b) CREATION OF AN ANIMAL ABUSE REGISTRY.

21 The Department of Criminal Justice Information Services shall establish and maintain a  
22 central computerized registry of all persons convicted of an animal abuse crime who are required  
23 to register pursuant to subsection (c) of this act, to be known as the Massachusetts animal abuse  
24 registry.

25 The registry shall be updated based on information made available to the Department of  
26 Criminal Justice Information Services, including information acquired pursuant to the  
27 registration provisions of subsection (c).

28 The registry shall include the following information: the offender’s name, the offender’s  
29 residential address, the date and a description of the crime for which registration is required, and  
30 a photograph of the offender’s head and shoulders from the front.

31 (c) REGISTRATION REQUIREMENT AND REQUIRED INFORMATION.

32 All persons eighteen (18) years of age or older, or minors who have been tried as adults,  
33 who reside in Massachusetts and are convicted of an animal abuse crime on or after the effective  
34 date of this law, shall register within ten (10) days following either the date of judgment or date  
35 of release from incarceration, whichever is later. Residents of other states who are convicted of  
36 an animal abuse crime on or after the effective date of this law, who subsequently reside in  
37 Massachusetts, shall register within their first ten (10) days of residing in Massachusetts.

38 Each person required to register under this section shall submit to the Department of  
39 Criminal Justice Information Services for inclusion on the registry:

40 a. Their name;

41 b. Their residential address;

42 c. A description of the offense for which registration is required, the city or town where  
43 the offense occurred, the date of conviction or adjudication, and the sentence imposed; and

44 d. A photograph of their head and shoulders from the front.

45 A person required to register under this section shall update registration information to  
46 reflect any change in address which may occur, or if no change in address occurs, annually from  
47 the date of their first registration.

48 Registration pursuant to this section shall remain in effect for a period of five (5) years  
49 following either the date of judgment or date of release from incarceration, whichever is later,  
50 provided that such period shall be extended for additional five year periods for each conviction  
51 which may occur subsequent to an initial registration.

52 (d) FEES.

53 Every person required to register under subsection (c ) shall pay an annual fee of \$50 to  
54 the Department of Criminal Justice Information Services. These funds shall be used to pay the  
55 administrative costs of maintaining the registry.

56 (e) FAILURE TO REGISTER.

57 Any person required to register under subsection (c) who knowingly: (i) fails to register;  
58 (ii) fails to verify registration information; (iii) fails to provide notice of a change of address; or  
59 (iv) knowingly provides false information shall be punished in accordance with this section.

60 a. A first conviction under this subsection shall be punished by imprisonment for not less  
61 than six months and not more than two and one-half years in a house of correction nor more than  
62 five years in a state prison or by a fine of not more than \$1,000 or by both such fine and  
63 imprisonment.

64 b. A second and subsequent conviction under this subsection shall be punished by  
65 imprisonment in the state prison for not less than five years.

66 c. A first conviction under this subsection shall be punished by a fine of not more than  
67 \$1,000 or imprisonment in a house of correction for not more than 10 days, or both.

68 d. A second conviction under this subsection shall be punished by a fine of not more than

69 \$5, 000 or imprisonment in a house of correction for not more than 2 years, or both.

70 (f) APPEALING REGISTRATION.

71 1. Anyone convicted of an animal abuse crime who would otherwise be required to  
72 register under subsection (c), may appeal to District Court for a determination of the level of  
73 danger posed by the offender. The department may, upon making specific written findings that  
74 the circumstances of the offense, in conjunction with the offender's criminal history, do not  
75 indicate a risk of reoffense or a danger to the public and the reasons therefore, relieve such  
76 offender of any further obligation to register, and shall remove such offender's registration  
77 information from the registry.

78 (g) AVAILABILITY OF REGISTRY.

79 The Department of Criminal Justice Information Services shall keep confidential and  
80 shall not publish the information contained in the registry, except that the information contained  
81 in the registry shall be made available for inspection by any animal shelter, pet store, or animal  
82 breeder in Massachusetts.

83 (h) REQUIREMENT TO CHECK REGISTRY.

84 All animal shelters, pet stores, and animal breeders in Massachusetts shall determine  
85 whether the name and address of any person seeking to purchase or adopt an animal appears on  
86 the registry.

87 No animal shelter, pet store, or animal breeder shall knowingly offer, sell, deliver, give or  
88 provide an animal to any person registered on the registry.

89 (i) PUNISHMENT FOR NOT CHECKING REGISTRY.

90 Any animal shelter, pet store, or animal breeder who violates the provisions of this act  
91 shall be punished by a fine of not less than \$1,000 or imprisonment for a period of not more than  
92 one year for a first offense, provided that each subsequent offense shall be punishable by a fine  
93 of not less than \$5,000 and imprisonment in a jail or house of correction for not more than five  
94 years.