

HD2214 - Rep. Puppolo, Jr., Angelo (D) - An Act enhancing the issuance of citations for cruel conditions for animals

SECTION 1. Section 174E of chapter 140 of the General Laws, as appearing in the 2016 Official Edition is hereby amended by striking in paragraph (a) the first and second sentences and inserting in place thereof the following:-

(a) No person owning or keeping a dog shall chain, confine, or tether a dog outside and unattended (1) for longer than 5 hours or (2) outside from 10:00 p.m. to 6:00 a.m.

“Outside and unattended,” for the purposes of this section, shall mean any dog who is exposed to the elements for a duration of longer than 15 minutes and not in visual range and physical presence of the owner. This expressly includes, but is not limited to, a dog in a securely fenced-in yard, a dog in a kennel, or a dog tethered. For purposes of this section a dog shall be considered “outside” regardless of access to an outdoor doghouse or similar structure.

No person owning or keeping a dog shall tether, confine or chain a dog in a manner that allows the dog to leave the owner's, guardian's or keeper's property.

SECTION 2. Section 174E of chapter 140 is hereby further amended by inserting after the word “chains”, in line 7, the following words:- , pinch collars, choke collars,

SECTION 3. Section 174E of chapter 140 is hereby further amended by striking out, in line 7, the words “lines or”

SECTION 4. Section 174E of chapter 140 is hereby further amended by inserting after the word “feet”, in line 19, the following words:- per dog

SECTION 5. Section 174E of chapter 140 is hereby further amended by striking out, in lines 35-37, the words “provided, however, that a choke collar and a pinch collar shall not be used to tether a dog to a cable run;”

SECTION 6. Section 174E of chapter 140 is hereby further amended by striking out the words “in accordance with subsection (b)”, in lines 52-53, and inserting in place thereof the following words:- and unattended

SECTION 7. Section 174E of chapter 140 is hereby further amended by striking out in paragraph (c) the third sentence and inserting in place thereof the following sentence:- The entrance to the shelter shall allow the dog's entry and exit, and in adverse weather have a flap or other mechanism sturdy enough to block entry of weather elements.

SECTION 8. Section 174E of chapter 140 is hereby further amended by inserting after the word “outside”, in line 64, the following words:- and unattended

SECTION 9. Section 174E of chapter 140 is hereby further amended by striking out, in lines 69-70, the words “, unless the tethering is for not more than 15 minutes”

SECTION 10. Section 174E of chapter 140 is hereby further amended by striking out, in line 90, the word “and” and inserting in place thereof the following word:- or

SECTION 11. Section 174E of chapter 140 of the General Laws, as so appearing, is hereby amended by striking subsections (g) through (i) and inserting in place thereof the following 5 subsections:-

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

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

For the purposes of this subsection, “cruel conditions” includes, but is not limited to, the following:

(1) exposure to excessive animal waste, garbage, non-potable water, excessive noxious 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.

(h) 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.

(i) A special state police officer appointed by the colonel of state police at the request of the Massachusetts Society for the Prevention of Cruelty to Animals or the Animal Rescue League of Boston pursuant to section 57 of chapter 22C may enforce this section pursuant to the notice and court procedures under section 21D of chapter 40 if an animal control officer, after being contacted by the Massachusetts Society for the Prevention of Cruelty to Animals or the Animal Rescue League of Boston in response to a violation of this section, is unresponsive or unavailable.

(j) A city or town shall enforce this section through its animal control officers or police officers in a manner consistent with the disposition provisions in section 21D of chapter 40.

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

SECTION 12. Section 35WW of chapter 10 of the General Laws, as appearing in the 2016 Official Edition, 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 13. 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.