



OPPOSE HB1444 – An Act Changing the Legal Status of "Pets" from Personal Property to "Companion Animals" — Rep. Steven Howitt (R)

Referred to Joint Committee on the Judiciary

WHAT THIS BILL DOES:

- Defines “pets” (dogs, cats or any domesticated animal including birds, rabbits, hamsters, ferrets or any animal sharing a home with a caregiver) as a “companion animal.”
- Changes the name/classification of caregivers to “guardians.”
- Institutes fines for guardians and/or any person who abuses a “companion animal” of up to 2.5 years in a correctional facility and \$10,000 fine. Those convicted will be put on a “do not adopt to” list which will be published publicly to all shelters, rescues, animal control officers and pet stores.

WHY YOU SHOULD OPPOSE THIS BILL:

Proponents claim that guardianship promotes better treatment of animals without any legal ramifications. This is not true. To ensure that owners maintain their rights to keep pets, MassFed and the American Kennel Club support use of the term “owner” rather than “guardian.” Labeling an individual as only an animal’s “guardian” implies limits on their rights to that animal. This could create a number of serious problems in our communities:

- Guardianship would take animals outside the realm of property law by establishing an animal guardianship regime. We vehemently oppose this. The American Kennel Club supports the use of the term “owner” rather than “guardian” when referring to the keeping of dogs. The AKC believes that the term guardian may in fact reduce the legal status and value of dogs as property and thereby restrict the rights of owners, veterinarians, and government agencies to protect and care for dogs. The term guardian does nothing to promote more responsible treatment of dogs.
- Guardianship is NOT about making people care for their animals better—it is a cold-bloodedly cynical attempt to manipulate animal owners who already care for their animals into supporting a measure that would ultimately make it easier for others to take their animals away from them.
- The term guardian already has an established legal meaning in court making children wards of the court and making guardians merely temporary caretakers whose ownership can be revoked at any time. Such children have to be overseen by government-appointed officials supervising their care and making or approving all decisions about them. In addition, the change would allow outside parties (such as animal rights fanatics) to sue pet owners supposedly on behalf of their pets, thus harassing the owners and overburdening the courts with frivolous litigation.
- If people are guardians rather than owners, ultimately it will be the State, and not the individual, who has the power to say who will care for the animal, how it will be cared for, where it will reside, what medical treatments it will or will not undergo, and who will make all the other decisions regarding the health, welfare, life and death, or destruction, of that animal.
- Guardianship leaves animal owners with full responsibility for the care, financial support, and damage liability of their animals, but removes all their rights to make decisions for their animals, giving it to the government. It would also take us in the direction of million-dollar lawsuits over pets, like the ones we now face among humans. It would lead to precipitous increases in the cost of veterinary services and make animal ownership much more expensive.

***BEING AN OWNER MEANS YOUR DOG IS YOURS AND BELONGS TO YOU ONLY.
BEING A GUARDIAN MEANS YOU ARE PRIVILEGED TO BE A CARETAKER OF YOUR DOG
AND THAT PRIVILEGE CAN BE EASILY TAKEN AWAY.***

FOR MORE INFORMATION:

Massachusetts Federation of Dog Clubs and Responsible Dog Owners
Julie Rembrandt Seeley; 978-456-8644; jrembrandtseeley@charter.net
Bonnie Chandler; 978-456-3169; bchandler1@charter.net

03/06/19

HOUSE No. 1444

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 changing the legal status of "pets" from personal property to "companion animals".

PETITION OF:

NAME:

Steven S. Howitt

DISTRICT/ADDRESS:

4th Bristol

HOUSE No. 1444

By Mr. Howitt of Seekonk, a petition (accompanied by bill, House, No. 1444) of Steven S. Howitt relative to the penalties for a guardian abusing a domesticated companion animal. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2290 OF 2017-2018.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act changing the legal status of "pets" from personal property to "companion 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 For the purposes of this bill a “companion animal” shall be considered a dog, cat or any
2 domesticated animal. Domesticated animal for purposes of this bill shall include birds, rabbits,
3 hamsters, ferrets, or any animal sharing a home with a caregiver.

4 Caregivers of “companion animals” shall be considered “guardians”.

5 Guardians of “companion animals” have a duty to protect the health and safety of the
6 animal. A companion animal may not be left outside during extreme weather including extreme
7 heat, cold, wind, rain, or hail or any weather condition which poses an adverse risk to the health
8 and safety of the “companion animal”.

9 Guardians and/or any person who abuses a “companion animal” shall have the animal
10 seized by animal control and shall be punished by:

11 First offense - imprisonment in the house of correction for a period of 6 months, but not
12 longer than 2 ½ years and a \$2,500 fine, “companion animal” abusers may not be permitted to
13 obtain another animal.

14 Second offense – imprisonment in the house of correction for a period of 1 year but not
15 longer than 2 ½ years and a \$5,000 fine and shall be put on a “do not adopt to” list. This list will
16 be published publicly. the list will be provided to all shelters, rescues, animal controls offices and
17 pet stores.

18 Third offense – imprisonment in the house of correction for a period of 2 ½ years and a
19 \$10,000 fine and shall be put on a “do not adopt to” list. This list will be published publicly. the
20 list will be provided to all shelters, rescues, animal controls offices and pet stores.