

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Tram T. Nguyen and Bradford Hill

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>2/18/2021</i>
<i>Bradford Hill</i>	<i>4th Essex</i>	<i>2/18/2021</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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, as appearing in the 2018 Official Edition,
2 is hereby amended by adding the following new section:-

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

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

11 (b) The court shall notify relevant authorities of the duration of the prohibition within 30
12 days, such authorities shall include any municipal officer involved with animal control and any
13 municipal official responsible for the issuance of dog licenses in the municipality of the

14 offender's residence or residences, and any special police officer duly appointed by the colonel
15 of the state police at the request of the Massachusetts Society for the Prevention of Cruelty to
16 Animals and the Animal Rescue League of Boston under section 57 of chapter 22C. Such notice
17 to authorities shall not be a public record under clause Twenty-sixth of section 7 of chapter 4 or
18 chapter 66.

19 (c) A person convicted of a violation of the provisions in this section, as a first offense,
20 may petition the court to reduce the duration of the prohibition no more than once per year. Such
21 petition shall include (i) an identification by county and docket number of the proceeding in
22 which the petitioner was convicted; (ii) the date the judgment of conviction entered; (iii) the
23 sentence imposed following conviction; (iv) a statement identifying all previous proceedings for
24 direct and collateral review and the orders or judgments entered; and (v) all grounds for
25 reduction of the duration of the prohibition claimed by the petitioner and any grounds not so
26 raised in the petition are waived unless the court in the exercise of discretion permits them to be
27 raised in a subsequent affidavit or hearing. The petitioner shall have the burden of establishing
28 by a preponderance of evidence all of the following: (i) the petitioner does not present a danger
29 to animals; (ii) the petitioner has the ability to properly care for any and all animals the petitioner
30 harbors, owns, possesses, exercises control over, resides with, adopts, or fosters, or with whom
31 the petitioner engages in an occupation, whether paid or unpaid, or with whom the petitioner
32 would participate in a volunteer position at any establishment; and (iii) the petitioner has
33 successfully completed relevant classes and counseling deemed sufficient by the court. The
34 petitioner shall serve a copy of the petition upon the office of the prosecuting attorney. The
35 District Attorney shall respond to the petition, specifying whether the petitioner presents a
36 danger to animals and should have the duration of the prohibition reduced. Upon receipt of a

37 petition, the court shall schedule a hearing. If the petitioner has met their burden, the court may
38 reduce the prohibition, issuing corresponding notice as established in subsection (b) and may
39 order that the petitioner instead comply with reasonable and unannounced inspections of the
40 offender's residence or residences, for a period of time the court deems appropriate, by an animal
41 control officer as defined in section 136A of chapter 140 or a police officer or special state police
42 officer appointed under section 57 of chapter 22C.

43 (d) Any person found in violation of an order incorporating the provisions of this section
44 may, in addition to any other punishment provided by law, be fined in an amount not exceeding
45 \$1,000 for each animal held in unlawful ownership or possession and shall forfeit custody of any
46 animal involved in a violation of this section to the custody of an entity incorporated under the
47 laws of the commonwealth for the prevention of cruelty to animals or for the care and protection
48 of homeless or suffering animals.

49 SECTION 2. Section 77C of Chapter 272 of the General Laws, as appearing in the 2018
50 Official Edition, is hereby amended by inserting, in (d) (ii), after the eighteenth word, "present",
51 the following words:- , adopt or foster an animal,

52 SECTION 3. Section 77C of Chapter 272 of the General Laws, as appearing in the 2018
53 Official Edition, is hereby amended by inserting, in (d) (ii), after the last word, "custody", the
54 following words:- for a first offense or less than 15 years after the person's second or subsequent
55 offense.

56 The court shall notify relevant authorities of the duration of the prohibition within 30
57 days, such authorities shall include any municipal officer involved with animal control and any
58 municipal official responsible for the issuance of dog licenses in the municipality of the

59 offender's residence or residences, and any special police officer duly appointed by the colonel
60 of the state police at the request of the Massachusetts Society for the Prevention of Cruelty to
61 Animals and the Animal Rescue League of Boston under section 57 of chapter 22C. Such notice
62 to authorities shall not be a public record under clause Twenty-sixth of section 7 of chapter 4 or
63 chapter 66

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

67 SECTION 4. Section 37 of said chapter 129, as so appearing, is hereby amended by
68 inserting after the fourth sentence the following sentence:- A fine assessed under this section
69 shall be deposited into the Homeless Animal Prevention and Care Fund established in section
70 35WW of chapter 10.