

**SENATE . . . . . No. 1076**

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**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>
<i>Manny Cruz</i>	<i>7th Essex</i>	<i>4/13/2023</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>6/8/2023</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>6/8/2023</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Plymouth and Bristol</i>	<i>6/14/2023</i>
<i>Paul W. Mark</i>	<i>Berkshire, Hampden, Franklin and Hampshire</i>	<i>7/12/2023</i>
<i>Pavel M. Payano</i>	<i>First Essex</i>	<i>1/8/2024</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

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

17 (b) The court shall notify relevant authorities of the duration of the prohibition within 30  
18 days. Such authorities shall include any municipal officer involved with animal control and any  
19 municipal official responsible for the issuance of dog licenses in the municipality of the  
20 offender's residence or residences, and any special state police officer duly appointed by the  
21 colonel of the state police at the request of the Massachusetts Society for the Prevention of  
22 Cruelty to Animals or the Animal Rescue League of Boston under section 57 of chapter 22C.  
23 Such notice to authorities shall not be a public record under clause twenty-sixth of section 7 of  
24 chapter 4 or chapter 66.

25 (c) A person convicted of a violation of the provisions in this section, as a first offense,  
26 may petition the court to reduce the duration of the prohibition no more than once per year. Such  
27 petition shall include: (i) an identification by county and docket number of the proceeding in  
28 which the petitioner was convicted; (ii) the date the judgment of conviction entered; (iii) the  
29 sentence imposed following conviction; (iv) a statement identifying all previous proceedings for  
30 direct and collateral review and the orders or judgments entered; and (v) all grounds for  
31 reduction of the duration of the prohibition claimed by the petitioner. The petitioner shall have  
32 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,

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

59 The court shall notify relevant authorities of the duration of the prohibition within 30  
60 days, such authorities shall include any municipal officer involved with animal control and any  
61 municipal official responsible for the issuance of dog licenses in the municipality of the  
62 offender’s residence or residences, and any special state police officer duly appointed by the  
63 colonel of the state police at the request of the Massachusetts Society for the Prevention of  
64 Cruelty to Animals or the Animal Rescue League of Boston under section 57 of chapter 22C.  
65 Such notice to authorities shall not be a public record under clause twenty-sixth of section 7 of  
66 chapter 4 or chapter 66.