

# HOUSE . . . . . No. 1335

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## The Commonwealth of Massachusetts

PRESENTED BY:

***Paul K. Frost, (BY REQUEST)***

*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:	DATE ADDED:
<i>Robert Steinmetz</i>	<i>49 Summer Street Auburn, MA 01501</i>	

# HOUSE . . . . . No. 1335

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By Mr. Frost of Auburn (by request), a petition (accompanied by bill, House, No. 1335) of Robert Steinmetz for legislation to require persons convicted of animal abuse to register with an animal abuse registry. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 4055 OF 2011-2012.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand Thirteen  
\_\_\_\_\_

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 10 of the General Laws is hereby amended by adding following  
2 section:-

3           Section 75. (a) (1) There shall be established and set up on the books of the  
4 commonwealth a separate fund to be known as the Animal Protection Fund. A person who  
5 purchases pet food shall pay a charge of \$0.05 per pound of pet food purchased.

6  
7           (2) A store shall collect the charge from the customer at the time of sale. The store shall  
8 then remit the charge collected to the state treasurer on a quarterly schedule for deposit in the  
9 Animal Protection Fund.

10  
11           (3) The amount charged pursuant to paragraph (1) shall not be subject to sales tax.

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13           (b) Revenues and expenditures of the fund shall be reported on the Massachusetts  
14 management and accounting and reporting system and maintained by the state treasurer.

(c) The moneys in the fund, are hereby continuously appropriated without regard to fiscal year, and shall be expended for the following purposes:-

(1) By the criminal bureau for creating, administering, and updating the Internet Web site established by section 77C of chapter 272

(2) By local governments for spay and neuter programs.

(3) No more than 3 percent of the revenue deposited in the fund may be used for reimbursement of costs of administration, collection, enforcement, and auditing requirements associated with this section.

(2) The state treasurer may promulgate rules and regulations to carry out this section, including, but not limited to, provisions governing collections, reporting, refunds and appeals.

(e) (1) The charge shall be due and payable quarterly on or before the 15th day of the month following each calendar quarter.

(2) Payments shall be accompanied by a form, as prescribed by the state treasurer, including, but not limited to, electronic media.

(f) The state treasurer may require the payment of the moneys for other than quarterly periods.

(g) For purposes of this section, "store" means a retail establishment that sells pet food.

SECTION 2. Chapter 272 of the General Laws is hereby amended by inserting after section 77B the following section:-

43           Section 77C. (a) The following words, as used in this section, unless the context  
44 otherwise requires, shall have the following meanings:-

45           "Animal abuse" means a continued without a finding or a conviction for a violation of  
46 sections 77 or 77A.

47           "Criminal bureau", located within the office of the attorney general.

48           (b) (1) Every person, over 18 years of age, described in paragraph (2), for the periods  
49 specified therein, shall, while residing in, or if the person has no residence, while located in,  
50 Massachusetts, be required to, within 10 days of coming into this state, or changing the person's  
51 residence or location within any city, county, city and county, or campus wherein the person  
52 temporarily resides, or if the person has no residence, is located, in this state:-

53           (A) Register with the chief of police of the city where the person is residing, or if the  
54 person has no residence, where the person is located.

55           (B) Register with the sheriff of the county where the person is residing, or if the person  
56 has no residence, where the person is located in an unincorporated area or city that has no police  
57 department.

58  
59           (C) In addition to subparagraph (A) or (B) above, register with the chief of police of a  
60 campus of the University of Massachusetts, a campus of a Massachusetts state college or a  
61 Massachusetts community college where the person is residing, or if the person has no residence,  
62 where the person is located upon the campus or any of its facilities.

63           (2) Any person who is convicted in any court in the commonwealth of animal abuse shall  
64 be required to register, in accordance with the provisions of this section, for the rest of his or her  
65 life.

66           (c) Any person required to register pursuant to this section who is discharged or paroled  
67 from a jail, prison, school, or other penal institution, or from the department of youth services  
68 where he or she was confined because of the commission of animal abuse, shall, prior to the  
69 discharge, parole, or release, be informed of his or her duty to register under this section by the  
70 official in charge of the place of confinement. The official shall require the person to read and  
71 sign the form as may be required by the criminal bureau, stating that the duty of the person to  
72 register under this section has been explained to him or her. The official in charge of the place of  
73 confinement shall obtain the address where the person expects to reside or locate upon his or her  
74 discharge, parole, or release and shall report the address to the criminal bureau.

75           The official in charge of the place of confinement shall give one copy of the form to the  
76 person, and shall, not later than 45 days prior to the scheduled release of the person, send one

copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside or locate upon his or her discharge, parole, or release; one copy to the prosecuting agency that prosecuted them person; and one copy to the criminal bureau. The official in charge of the place of confinement shall retain one copy. All forms shall be transmitted in time so as to be received by the local law enforcement agency and prosecuting agency 30 days prior to the discharge, parole, or release of the person.

(d) Any person who is required to register pursuant to this section who is released on probation or discharged upon payment of a fine shall, prior to the release or discharge, be informed of his or her duty to register under this section by the probation department of the county in which he or she has been convicted, and the probation officer shall require the person to read and sign the form as may be required by the criminal bureau, stating that the duty of the person to register under this section has been explained to him or her. The probation officer shall obtain the address where the person expects to reside or locate upon his or her release or discharge and shall report within 3 days the address to the criminal bureau. The probation officer shall give one copy of the form to the person, and shall send one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside or locate upon his or her discharge or release, and one copy to the criminal bureau. The probation officer shall also retain one copy.

(e) (1) The registration shall consist of all of the following information:-

(A) A statement in writing signed by the person, giving all of the following information:

(i) The legal name and any other names or aliases that the person is using or has used.

(ii) Date of birth.

(iii) The current address or location of the person.

(iv) Name and address of employer.

(v) Animal abuse offense for which the person was convicted.

(vi) The date and place of the animal abuse offense conviction of the person.

(vii) Any other information as may be required by the criminal bureau.

(B) The complete set of fingerprints and a photograph of the person.

(C) A description of any tattoos, scars, or other distinguishing features on the person's body that would assist in identifying the person.

(2) Within 3 days after registration, the registering law enforcement agency shall electronically forward the statement, fingerprints, and photograph to the criminal bureau.

(f) If any person required to register by this section changes his or her residence or location address, he or she shall inform, in writing within 10 days, the law enforcement agency with whom he or she last registered of his or her new address. The law enforcement agency shall, within 3 days after receipt of the information, electronically forward it to the criminal bureau. The criminal bureau shall forward appropriate registration data to the law enforcement agency having local jurisdiction of the new place of residence or location.

(g) Any person required to register under this section who violates any of the provisions thereof shall be punished by imprisonment in a house of correction for not more than 1 year or by a fine of not more than \$2,500, or by both such fine and imprisonment.

Any person who has been convicted of animal abuse who is required to register under this section who willfully violates any of the provisions thereof shall be punished by imprisonment in the house of correction for not less than 90 days nor more than one year in a house of correction. In no event does the court have the power to absolve a person who willfully violates this section from the obligation of spending at least 90 days of confinement in a house of correction jail and of completing probation of at least one year.

(h) Whenever any person is released on parole or probation and is required to register under this section but fails to do so within the time prescribed, the parole board or the court, as the case may be, shall order the parole or probation of that person revoked.

(i) Certain of the information required by this section shall be open to inspection by the public through the use of an Internet Web site maintained by the criminal bureau, or by telephone or upon written request where practicable.

(j) In any case in which a person who would be required to register pursuant to this section is to be temporarily sent outside the institution where he or she is confined on any assignment within

a city or county, the local law enforcement agency having jurisdiction over the place or places where that assignment shall occur shall be notified within a reasonable time prior to removal from the institution. This subdivision shall not apply to any person temporarily released under guard from the institution where he or she is confined.

SECTION 3. . Chapter 12 of the General Laws is hereby amended by adding following section:-

Section 33. 1 (A) The following words, as used in this section, unless the context otherwise requires, shall have the following meaning:-

“Criminal bureau”, located within the office of the attorney general.

"Designated law enforcement entity", the criminal bureau, every district attorney, the department, the department of youth services and every state or local agency expressly authorized by statute to investigate or prosecute law violators.

The criminal bureau shall make available information concerning persons who are required to register pursuant to section 77C of chapter 272 to the public via an Internet Web site as specified in this section. The department shall update the Internet Web site on an ongoing basis. The name or address of the person's employer and the listed person's criminal history other than the specific crimes for which the person is required to register shall not be included on the Internet Web site. The Internet Web site shall be translated into languages other than English as determined by the department.

(2) (A) On or before January 1, 2013, the criminal bureau shall make available to the public, via an Internet Web site as specified in this section, as to any person described in subdivision

(b), the following information:-

(i) The year of conviction of his or her most recent offense requiring registration pursuant to section 77C of chapter 272.

(ii) The year he or she was released from incarceration for that offense.

(iii) Whether he or she was subsequently incarcerated for any other felony, if that fact is reported to the department. If the department has no information about a subsequent incarceration for any felony, that fact shall be noted on the Internet Web site. However, no year

of conviction shall be made available to the public unless the department also is able to make available the corresponding year of release of incarceration for that offense, and the required notation regarding any subsequent felony.

(B) (i) Any state facility that releases from incarceration a person who was incarcerated because of a crime for which he or she is required to register pursuant to section 77C of chapter 272 shall, within 30 days of release, provide the year of release for his or her most recent offense requiring registration to the criminal bureau in a manner and format approved by the department.

(ii) Any state facility that releases a person who is required to register pursuant to 77C of chapter 272 from incarceration whose incarceration was for a felony committed subsequent to the offense for which he or she is required to register shall, within 30 days of release, advise the Criminal bureau of that fact.

(b) On or before January 1, 2013, with respect to a person who has been convicted of the commission of any of crimes contained in sections 77, 77A or 77C of chapter 272, the criminal bureau shall make available to the public via the Internet Web site, the information included in the person's registration, including, but not limited to, his or her name and known aliases, a photograph, a physical description, including gender and race, date of birth, criminal history, the address at which the person resides or is located or the city, county, or city and county in which the person is registered as a transient, and any other information that the criminal bureau deems relevant, but not the information excluded pursuant to subdivision (A).

(c) The Criminal bureau shall make a reasonable effort to provide notification to persons who have been convicted of the commission of an offense specified in sections 77, 77A or 77C of chapter 272, that on or before January 1, 2013, the department is required to make information about offenders available to the public via an Internet Web site as specified in this section.

(d) (1) A designated law enforcement entity may make available information concerning persons who are required to register pursuant to section 77C of chapter 272 to the public via an Internet Web site as specified in paragraph (2).

(2) The law enforcement entity may make available by way of an Internet Web site the information described in subdivision (b) if it determines that the public disclosure of the information about a specific offender by way of the entity's Internet Web site is necessary to



ensure the public safety based upon information available to the entity concerning that specific offender.

(3) The information that may be provided pursuant to this subdivision may include the information specified in subdivision (b).

(e) The department shall also make the information on the Internet Web site available by telephone and upon written request where practicable.

(f) (1) Any person who uses information disclosed pursuant to this section to commit a misdemeanor shall be subject to, in addition to any other penalty or fine imposed, a fine of not less than \$10,000 and not more than \$50,000.

(2) Any person who uses information disclosed pursuant to this section to commit a felony shall be punished, on and after any other punishment, by imprisonment in state prison for not more than 5 years or by a fine of not more than \$5,000 or by both such fine and imprisonment.

(g) Any person who is required to register pursuant to section 77C of chapter 272 who enters an Internet Web site established pursuant to this section shall be punished by imprisonment in a house of correction for not more than 6 months or by a fine of not more than \$2,500, or by both such fine and imprisonment.

(h) (1) A person is authorized to use information disclosed pursuant to this section only to protect an animal at risk.

(2) Except as authorized under paragraph (1) or any other provision of law, use of any information that is disclosed pursuant to this section for purposes relating to any of the following is prohibited:-

(A) Health insurance.

(B) Insurance.

(C) Loans.

(D) Credit.

(E) Employment.

(F) Education, scholarships, or fellowships.

(G) Housing or accommodations.

(H) Benefits, privileges, or services provided by any business establishment.

(3) (A) Any use of information disclosed pursuant to this section for purposes other than those provided by paragraph (1) or in violation of paragraph (2) shall make the user liable for the actual damages, and any amount that may be determined by a jury or a court sitting without a jury, not exceeding three times the amount of actual damage, and not less than \$250, and attorney's fees, exemplary damages, or a civil penalty not exceeding \$25,000.

(B) Whenever there is reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of misuse of the information available via an Internet Web site established pursuant to this section in violation of paragraph (2), the Attorney General, any district attorney, or any person aggrieved by the misuse is authorized to bring a civil action in the appropriate court requesting preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or group of persons responsible for the pattern or practice of misuse. The foregoing remedies shall be independent of any other remedies or procedures that may be available to an aggrieved party under other provisions of law.

(i) The public notification provisions of this section are applicable to every person described in this section, without regard to when his or her crimes were committed or his or her duty to register pursuant to section 77C of chapter 272 arose, and to every offense described in this section, regardless of when it was committed.

(j) A designated law enforcement entity and its employees shall be immune from liability for good faith conduct under this section.

(k) The attorney general, in collaboration with local law enforcement and others knowledgeable about animal abuse offenders, shall develop strategies to assist members of the public in understanding and using publicly available information about registered animal abuse

268 offenders to further public safety. These strategies may include, but are not limited to, a hotline  
269 for community inquiries, neighborhood and business guidelines for how to respond to  
270 information posted on this Internet Web site, and any other resource that promotes public  
271 education about these offenders.