

# **HOUSE . . . . . No. 4388**

---

---

## **The Commonwealth of Massachusetts**

---

HOUSE OF REPRESENTATIVES, July 31, 2014.

The committee on Ways and Means, to whom was referred the Senate Bill protecting animal welfare and safety (Senate, No. 2345), reports recommending that the same ought to pass with an amendment striking all after the enacting clause and inserting in place thereof the text contained in House document numbered 4388.

For the committee,

BRIAN S. DEMPSEY.

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the Year Two Thousand Fourteen**  
\_\_\_\_\_

*By striking out all after the enacting clause and inserting in place thereof the following:*

1           SECTION 1. Chapter 112 of the General Laws is hereby amended by striking out section  
2 58B, as appearing in the 2012 Official Edition, and inserting in place thereof the following  
3 section:-

4           Section 58B. A veterinarian who, while in the normal course of business, observes an  
5 animal whom such veterinarian knows or reasonably suspects has been the victim of animal  
6 cruelty prohibited under sections 77 or 94 of chapter 272 shall report said suspected animal  
7 cruelty to a police officer or special state police officer appointed under section 57 of chapter  
8 22C.

9           A veterinarian duly registered under section 55 who reports, in good faith and in the  
10 normal course of business, a suspected act of cruelty to animals prohibited under said sections 77  
11 or 94 of chapter 272 to a police officer or special state police officer appointed under said section  
12 57 of said chapter 22C, shall not be liable in a civil or criminal action for reporting such act.

13           Any veterinarian who fails to report such an act of animal cruelty shall be reported to the  
14 board of registration in veterinary medicine.

15           SECTION 2. Section 112 of chapter 266 of the General Laws, as appearing in the 2012  
16 Official Edition, is hereby amended by striking out, in lines 5 through 8, inclusive, the words  
17 “for not more than five years or by imprisonment in the house of correction for not more than 2  
18 ½ years or by a fine of not more than \$2,500, or by both such fine and imprisonment” and  
19 inserting in place thereof the following words:-

20           for not more than 7 years in state prison or imprisonment in the house of correction for  
21 not more than 2 1/2 years or by a fine of not more than \$5,000, or by both such fine and  
22 imprisonment; provided, however, that a second or subsequent offense shall be punished by  
23 imprisonment in the state prison for not more than 10 years or by a fine of not more than  
24 \$10,000, or by both such fine and imprisonment.

25 SECTION 3. Section 77 of chapter 272 of the General Laws, as appearing in the 2012  
26 Official Edition, is hereby amended by striking out, in lines 19 through 21, inclusive, the words  
27 “for not more than 5 years or imprisonment in the house of correction for not more than 21/2  
28 years or by a fine of not more than \$2,500, or by both such fine and imprisonment” and inserting  
29 in place thereof the following words:-

30 for not more than 7 years in state prison or imprisonment in the house of correction for  
31 not more than 2 1/2 years or by a fine of not more than \$5,000, or by both such fine and  
32 imprisonment; provided, however, that a second or subsequent offense shall be punished by  
33 imprisonment in the state prison for not more than 10 years or by a fine of not more than  
34 \$10,000, or by both such fine and imprisonment.

35 SECTION 4. The first paragraph of said section 77 of said chapter 272, as so appearing,  
36 is hereby amended by adding the following sentence:-

37 Notwithstanding section 26 of chapter 218 or any other general or special law to the  
38 contrary, the district courts and divisions of the Boston municipal court department shall have  
39 original jurisdiction, concurrent with the superior court, of a violation of this section.

40 SECTION 5. (a) There shall be a task force established to complete a systematic review  
41 of the laws pertaining to animal cruelty and protection. The task force shall consist of: the  
42 attorney general or a designee; the president of the Massachusetts District Attorneys Association  
43 or a designee; the colonel of the state police or a designee; the commissioner of agricultural  
44 resources or a designee; a representative from the Massachusetts Society for the Prevention of  
45 Cruelty to Animals; a representative from the Animal Rescue League of Boston; a representative  
46 from the Massachusetts Bar Association; a representative of the Pet Industry Joint Advisory  
47 Council; and 2 persons appointed by the governor, 1 of whom shall be an animal control officer  
48 or representative of an association organized in the commonwealth for animal control officers,  
49 and 1 whom shall be a veterinarian or member of a veterinary medical association organized in  
50 the commonwealth. The members of the task force shall appoint a chair.

51 (b) The task force shall:

52 (i) assess the adequacy, effectiveness and necessity of laws pertaining to animal  
53 cruelty and protection including, but not limited to, the laws pertaining to the protection of  
54 animals contained in chapters 266 and 272 of the General Laws and the duties of the  
55 Massachusetts Society for the Prevention of Cruelty to Animals and the Animal Rescue League  
56 of Boston under chapter 129 of the General Laws, the process of charging for animal cruelty and  
57 the issuing of citations under section 174E of chapter 140 of the General Laws;

58 (ii) identify and review the existing services, facilities and funding to meet the  
59 needs of animals seized in cruelty cases and explore interagency options for coordination and  
60 funding to care for these animals;

61 (iii) evaluate approaches and offer recommendations for education and training  
62 opportunities for law enforcement, animal control officers, judges, veterinarians and other  
63 professionals including, but not limited to, methods to identify animal abuse, the link between  
64 domestic violence and animal abuse and animal hoarding;

65 (iv) examine the feasibility and effectiveness of participating in a national animal  
66 abuse registry or other similar registry, if created;

67 (v) examine existing methods to report animal abuse and explore additional  
68 mechanisms, if needed, as well as ways to promote these reporting mechanisms;

69 (vi) recommend ways to develop and promulgate educational materials to children  
70 to educate about animal abuse; and

71 (vii) assess the impact of housing issues including, but not limited to,  
72 homeowners insurance and abandonment in vacated housing, on the surrender or abandonment  
73 of animals.

74 (c) The task force shall submit a report of its findings and legislative recommendations to  
75 the clerks of the senate and the house of representatives and the chairs of the joint committee on  
76 the judiciary not later than 18 months after the effective date of this act. The task force shall  
77 determine if subsequent reports shall be necessary to properly address animal cruelty and  
78 protection.