

HOUSE No. 1385

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 relative to establishing an animal abuse registry.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|-------------------------------|--|
| <i>Steven S. Howitt</i> | <i>4th Bristol</i> |
| <i>Josh S. Cutler</i> | <i>6th Plymouth</i> |
| <i>Shawn Dooley</i> | <i>9th Norfolk</i> |
| <i>Angelo J. Puppolo, Jr.</i> | <i>12th Hampden</i> |
| <i>Leonard Mirra</i> | <i>2nd Essex</i> |
| <i>Timothy R. Madden</i> | <i>Barnstable, Dukes and Nantucket</i> |
| <i>Walter F. Timilty</i> | <i>7th Norfolk</i> |
| <i>Angelo L. D'Emilia</i> | <i>8th Plymouth</i> |

HOUSE No. 1385

By Mr. Howitt of Seekonk, a petition (accompanied by bill, House, No. 1385) of Steven S. Howitt and others for legislation to establish an animal abuse registry. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

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 272 of the General Laws, as appearing in the 2012 Official Edition,
2 is hereby amended by inserting at the end thereof the following new section:-

3 Section 106. Animal Abuse Registry

4 (a) DEFINITIONS.

5 The following words as used in this chapter, unless the context otherwise requires, shall
6 have the following meanings:

7 “animal abuse crime”, the commission of any crime against an animal under Chapter 272,
8 Sections 77 through 81, inclusive, of the General Laws, and the comparable animal cruelty
9 statutes of any other state.

10 “animal breeder”, any entity engaged in the practice of facilitating the reproduction of
11 animals for the purpose of distributing the resulting offspring to one or more other individuals or
12 entities.

13 “animal shelter”, a public animal control facility, or any other facility which is operated
14 by any organization or individual for the purpose of protecting animals from cruelty, neglect, or
15 abuse.

16 “convicted of”, an adjudication of guilt by any court of competent jurisdiction, whether
17 upon a verdict or plea of guilty or nolo contendere.

18 “pet store”, every place or premise where birds, mammals or reptiles are kept for the
19 purpose of sale at either wholesale or retail, import, export, barter, exchange or gift.

20 (b) CREATION OF AN ANIMAL ABUSE REGISTRY.

21 The Department of Criminal Justice Information Services shall establish and maintain a
22 central computerized registry of all persons convicted of an animal abuse crime who are required
23 to register pursuant to subsection (c) of this act, to be known as the Massachusetts animal abuse
24 registry.

25 The registry shall be updated based on information made available to the Department of
26 Criminal Justice Information Services, including information acquired pursuant to the
27 registration provisions of subsection (c).

28 The registry shall include the following information: the offender’s name, the offender’s
29 residential address, the date and a description of the crime for which registration is required, and
30 a photograph of the offender’s head and shoulders from the front.

31 (c) REGISTRATION REQUIREMENT AND REQUIRED INFORMATION.

32 All persons eighteen (18) years of age or older, or minors who have been tried as adults,
33 who reside in Massachusetts and are convicted of an animal abuse crime on or after the effective
34 date of this law, shall register within ten (10) days following either the date of judgment or date
35 of release from incarceration, whichever is later. Residents of other states who are convicted of
36 an animal abuse crime on or after the effective date of this law, who subsequently reside in
37 Massachusetts, shall register within their first ten (10) days of residing in Massachusetts.

38 Each person required to register under this section shall submit to the Department of
39 Criminal Justice Information Services for inclusion on the registry:

40 a. Their name;

41 b. Their residential address;

42 c. A description of the offense for which registration is required, the city or town where
43 the offense occurred, the date of conviction or adjudication, and the sentence imposed; and

44 d. A photograph of their head and shoulders from the front.

45 A person required to register under this section shall update registration information to
46 reflect any change in address which may occur, or if no change in address occurs, annually from
47 the date of their first registration.

48 Registration pursuant to this section shall remain in effect for a period of five (5) years
49 following either the date of judgment or date of release from incarceration, whichever is later,
50 provided that such period shall be extended for additional five year periods for each conviction
51 which may occur subsequent to an initial registration.

52 (d) FEES.

53 Every person required to register under subsection (c) shall pay an annual fee of \$50 to
54 the Department of Criminal Justice Information Services. These funds shall be used to pay the
55 administrative costs of maintaining the registry.

56 (e) FAILURE TO REGISTER.

57 Any person required to register under subsection (c) who knowingly: (i) fails to register;
58 (ii) fails to verify registration information; (iii) fails to provide notice of a change of address; or
59 (iv) knowingly provides false information shall be punished in accordance with this section.

60 a. A first conviction under this subsection shall be punished by imprisonment for not less
61 than six months and not more than two and one-half years in a house of correction nor more than
62 five years in a state prison or by a fine of not more than \$1,000 or by both such fine and
63 imprisonment.

64 b. A second and subsequent conviction under this subsection shall be punished by
65 imprisonment in the state prison for not less than five years.

66 c. A first conviction under this subsection shall be punished by a fine of not more than
67 \$1,000 or imprisonment in a house of correction for not more than 10 days, or both.

68 d. A second conviction under this subsection shall be punished by a fine of not more than
69 \$5, 000 or imprisonment in a house of correction for not more than 2 years, or both.

70 (f) APPEALING REGISTRATION.

71 1. Anyone convicted of an animal abuse crime who would otherwise be required to
72 register under subsection (c), may appeal to District Court for a determination of the level of
73 danger posed by the offender. The department may, upon making specific written findings that
74 the circumstances of the offense, in conjunction with the offender’s criminal history, do not
75 indicate a risk of reoffense or a danger to the public and the reasons therefore, relieve such
76 offender of any further obligation to register, and shall remove such offender’s registration
77 information from the registry.

78 (g) AVAILABILITY OF REGISTRY.

79 The Department of Criminal Justice Information Services shall keep confidential and
80 shall not publish the information contained in the registry, except that the information contained
81 in the registry shall be made available for inspection by any animal shelter, pet store, or animal
82 breeder in Massachusetts.

83 (h) REQUIREMENT TO CHECK REGISTRY.

84 All animal shelters, pet stores, and animal breeders in Massachusetts shall determine
85 whether the name and address of any person seeking to purchase or adopt an animal appears on
86 the registry.

87 No animal shelter, pet store, or animal breeder shall knowingly offer, sell, deliver, give or
88 provide an animal to any person registered on the registry.

89 (i) PUNISHMENT FOR NOT CHECKING REGISTRY.

90 Any animal shelter, pet store, or animal breeder who violates the provisions of this act
91 shall be punished by a fine of not less than \$1,000 or imprisonment for a period of not more than

92 one year for a first offense, provided that each subsequent offense shall be punishable by a fine
93 of not less than \$5,000 and imprisonment in a jail or house of correction for not more than five
94 years.