

# HOUSE . . . . . No. 4018

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## The Commonwealth of Massachusetts

PRESENTED BY:

***Frank A. Moran***

*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 preventing cruelty to animals in unattended motor vehicles.

PETITION OF:

| NAME:                 | DISTRICT/ADDRESS: | DATE ADDED:      |
|-----------------------|-------------------|------------------|
| <i>Frank A. Moran</i> | <i>17th Essex</i> | <i>1/27/2016</i> |

# HOUSE . . . . . No. 4018

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By Mr. Moran of Lawrence, a petition (subject to Joint Rule 12) of Frank A. Moran relative to leaving animals unattended in motor vehicles under conditions that endanger the health or well-being of said animals. The Judiciary.

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## The Commonwealth of Massachusetts

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

An Act preventing cruelty to animals in unattended motor vehicles.

*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. The General Court hereby finds and declares the following:

2           (a) Leaving companion animals unattended inside closed vehicles in the heat, even for  
3 short periods of time, has caused severe injury and death to animals.

4           (b) Moderately warm temperatures outside can quickly lead to deadly temperatures  
5 inside a closed car, for example, within one hour an outside temperature of 72 degrees  
6 Fahrenheit can cause unhealthful conditions inside a vehicle that can adversely affect the health,  
7 safety, or well-being of an animal.

8           (c) With the vehicle windows left slightly open, an outside temperature of 85 degrees can  
9 cause a temperature of 102 degrees inside a vehicle within 10 minutes, and 120 degrees within  
10 half of an hour. A healthy dog, whose normal body temperature ranges from 101 to 102.5  
11 degrees, can withstand a body temperature of 107 to 108 for only a short time before suffering  
12 brain damage or death.

(d) Numerous organizations and individuals have worked to educate pet owners of the dangers of leaving animals unattended in vehicles in the heat, however, it is well established that educational approaches by themselves do not improve safety behavior. To be effective, educational approaches must be integrated with law enforcement activities.

(e) It is, therefore, the intent of the General Court to improve animal health and safety by both encouraging continued public education as well as discouraging this activity by imposing a penalty upon persons who leave or confine an animal in an unattended motor vehicle.

SECTION 2. Chapter 272 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after section 79B the following section:-

Section 79C. (a) Whoever leaves or confines an animal in any unattended motor vehicle under conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal shall be punished in the following manner: for a first conviction for violation of this section such person shall be punished by a fine not exceeding \$100 per animal unless the animal suffers great bodily injury. If the animal suffers great bodily injury, a violation of this section is punishable by a fine not exceeding \$500 per animal, or by imprisonment not exceeding 6 months, or by both a fine and imprisonment; provided, further that any subsequent violation of this section, regardless of injury to the animal, shall be punishable by a fine not exceeding \$500 per animal, or by imprisonment not exceeding 6 months, or by both a fine and imprisonment.

(b) Nothing in this section shall prevent a police officer, special state police officer, or an animal control officer from removing an animal from a motor vehicle if the animal's safety

appears to be in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.

(c) A police officer, special state police officer, or animal control officer who removes an animal from a motor vehicle shall take it to an animal shelter or other place of safekeeping or, if the officer deems necessary, to a veterinary hospital for treatment.

(d) A police officer, special state police officer, or animal control officer is authorized to take all steps that are reasonably necessary for the removal of an animal from a motor vehicle, including, but not limited to, breaking into the motor vehicle, after a reasonable effort to locate the owner or other person responsible.

(e) A police officer, special state police officer, or animal control officer who removes an animal from a motor vehicle shall, in a secure and conspicuous location on or within the motor vehicle, leave written notice bearing his or her name and office, and the address of the location where the animal can be claimed. The animal may be claimed by the owner only after payment of all charges that have accrued for the maintenance, care, medical treatment, or impoundment of the animal.

(f) Nothing in this section shall be deemed to prohibit the transportation of horses, cattle, pigs, sheep, poultry or other agricultural animals in motor vehicles designed to transport such animals for agricultural purposes.