HOUSE DOCKET, NO. 2857 FILED ON: 2/18/2021

HOUSE . . . . . No. 1656

The Commonwealth of Massachusetts

PRESENTED BY:

Bradford Hill

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 to protect animals from convicted animal abusers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Bradford Hill	*4th Essex*	*2/18/2021*
Steven G. Xiarhos	*5th Barnstable*	*5/11/2021*
Jack Patrick Lewis	*7th Middlesex*	*5/11/2021*
Patrick M. O'Connor	*Plymouth and Norfolk*	*5/11/2021*
Thomas M. Stanley	*9th Middlesex*	*5/11/2021*

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HOUSE . . . . . No. 1656

By Mr. Hill of Ipswich, a petition (accompanied by bill, House, No. 1656) of Bradford Hill for legislation to protect animals from convicted animal abusers. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act to protect animals from 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:

SECTION 1. Chapter 272 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding the following new section:-

Section 77 ½: Prohibition on access to animals by convicted animal abusers

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

(b) The court shall notify relevant authorities of the duration of the prohibition within 30 days, such authorities shall include any municipal officer involved with animal control and any

municipal official responsible for the issuance of dog licenses in the municipality of the offender's residence or residences, and any special police officer duly appointed by the colonel of the state police at the request of the Massachusetts Society for the Prevention of Cruelty to Animals and the Animal Rescue League of Boston under section 57 of chapter 22C. Such notice to authorities shall not be a public record under clause Twenty-sixth of section 7 of chapter 4 or chapter 66.

(c) A person convicted of a violation of the provisions in this section, as a first offense, may petition the court to reduce the duration of the prohibition no more than once per year. Such petition shall include (i) an identification by county and docket number of the proceeding in which the petitioner was convicted; (ii) the date the judgment of conviction entered; (iii) the sentence imposed following conviction; (iv) a statement identifying all previous proceedings for direct and collateral review and the orders or judgments entered; and (v) all grounds for reduction of the duration of the prohibition claimed by the petitioner and any grounds not so raised in the petition are waived unless the court in the exercise of discretion permits them to be raised in a subsequent affidavit or hearing. The petitioner shall have the burden of establishing by a preponderance of evidence all of the following: (i) the petitioner does not present a danger to animals; (ii) the petitioner has the ability to properly care for any and all animals the petitioner harbors, owns, possesses, exercises control over, resides with, adopts, or fosters, or with whom the petitioner engages in an occupation, whether paid or unpaid, or with whom the petitioner would participate in a volunteer position at any establishment; and (iii) the petitioner has successfully completed relevant classes and counseling deemed sufficient by the court. The petitioner shall serve a copy of the petition upon the office of the prosecuting attorney. The District Attorney shall respond to the petition, specifying whether the petitioner presents a

danger to animals and should have the duration of the prohibition reduced. Upon receipt of a petition, the court shall schedule a hearing. If the petitioner has met their burden, the court may reduce the prohibition, issuing corresponding notice as established in subsection (b) and may order that the petitioner instead comply with reasonable and unannounced inspections of the offender's residence or residences, for a period of time the court deems appropriate, by an animal control officer as defined in section 136A of chapter 140 or a police officer or special state police officer appointed under section 57 of chapter 22C.

(d) Any person found in violation of an order incorporating the provisions of this section may, in addition to any other punishment provided by law, be fined in an amount not exceeding $1,000 for each animal held in unlawful ownership or possession and shall forfeit custody of any animal involved in a violation of this section to the custody of an entity incorporated under the laws of the commonwealth for the prevention of cruelty to animals or for the care and protection of homeless or suffering animals.

SECTION 2. Section 77C of Chapter 272 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting, in (d) (ii), after the eighteenth word, "present", the following words:- , adopt or foster an animal,

SECTION 3. Section 77C of Chapter 272 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting, in (d) (ii), after the last word, "custody", the following words:- for a first offense or less than 15 years after the person's second or subsequent offense.

The court shall notify relevant authorities of the duration of the prohibition within 30 days, such authorities shall include any municipal officer involved with animal control and any

municipal official responsible for the issuance of dog licenses in the municipality of the offender's residence or residences, and any special police officer duly appointed by the colonel of the state police at the request of the Massachusetts Society for the Prevention of Cruelty to Animals and the Animal Rescue League of Boston under section 57 of chapter 22C. Such notice to authorities shall not be a public record under clause Twenty-sixth of section 7 of chapter 4 or chapter 66

SECTION 3. Section 35WW of chapter 10 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after the figure "62", in line 17, the following words:- , fines collected pursuant to section 37 of chapter 129.

SECTION 4. Section 37 of said chapter 129, as so appearing, is hereby amended by inserting after the fourth sentence the following sentence:- A fine assessed under this section shall be deposited into the Homeless Animal Prevention and Care Fund established in section 35WW of chapter 10.