

**SENATE . . . . . No. 1097**

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The Commonwealth of Massachusetts

PRESENTED BY:

***Mark C. Montigny***

*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 enhancing the issuance of citations for cruel conditions for animals.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	
<i>Steven G. Xiarhos</i>	<i>5th Barnstable</i>	<i>2/18/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/24/2021</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>2/26/2021</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>3/3/2021</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>3/8/2021</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>3/31/2021</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>4/12/2021</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>6/14/2021</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>6/16/2021</i>

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By Mr. Montigny, a petition (accompanied by bill, Senate, No. 1097) of Mark C. Montigny, Steven G. Xiarhos, Jack Patrick Lewis, Adam J. Scanlon and other members of the General Court for legislation to enhance the issuance of citations for cruel conditions for animals. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 989 OF 2019-2020.]

The Commonwealth of Massachusetts

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

An Act enhancing the issuance of citations for cruel conditions for animals.

*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. Section 174E of chapter 140 of the General Laws, as appearing in the 2018  
2 Official Edition, is hereby amended by striking subsection (g) and inserting in place thereof the  
3 following subsection:-

4           (g) No person owning or keeping a domestic animal shall subject the animal to “cruel  
5 conditions.”

6           For the purposes of this section, a “domestic animal” is all animals, regardless of their  
7 purpose or use, including livestock, that are kept as a domestic animal.

8           For the purposes of this subsection, "cruel conditions" includes, but is not limited to, the  
9 following:

10 (1) exposure to excessive animal waste, garbage, non-potable water, excessive noxious  
11 odors that create a health threat to people or animals, dangerous objects or other animals that  
12 could injure or kill an animal upon contact, other circumstances that could cause harm to the  
13 health or safety of the animal based on species, age or physical condition; or failure to provide  
14 access to appropriate food and water based on the animal's species, age and physical condition.

15 (2) lack of protection when wind or environmental or weather conditions pose an adverse  
16 risk to the health or safety of the animal based on the animal's species, age, or physical  
17 condition.

18 SECTION 2. Subsection (h) of section 174E of chapter 140 of the General Laws, as so  
19 appearing, is hereby amended by inserting at the beginning thereof the following:-

20 A person who violates this section shall: (i) for a first offense, be issued a written  
21 warning or punished by a fine of not more than \$50; (ii) for a second offense, be punished by a  
22 fine of not more than \$200; and (iii) for a third or subsequent offense, be punished by a fine of  
23 not more than \$500; provided, however, that for a third or subsequent offense, the animal may be  
24 subject to impoundment in a local shelter or appropriate facility at the owner's, keeper's or  
25 guardian's expense pending compliance with this section, or loss of ownership of the animal.

26 SECTION 3. Section 174E of chapter 140 of the General Laws, as so appearing, is  
27 hereby amended by inserting, in line 100, after the word "special" the following word:- state

28 SECTION 4. Section 174E of chapter 140 of the General Laws, as so appearing, is  
29 hereby amended by striking, in line 102, the word "and" and inserting in place thereof the  
30 following:- or

31 SECTION 5. Section 174E of chapter 140 of the General Laws, as so appearing, is  
32 hereby amended by inserting the following subsection:-

33 (j) Nothing in this section shall preclude prosecution under section 77 of chapter 272.

34 SECTION 6. Section 35WW of chapter 10 of the General Laws, as so appearing, is  
35 hereby amended by inserting after the figure “62”, in line 17, the following words:- , fines  
36 collected pursuant to section 37 of chapter 129.

37 SECTION 7. Section 37 of said chapter 129, as so appearing, is hereby amended by  
38 inserting after the fourth sentence the following sentence:- A fine assessed under this section  
39 shall be deposited into the Homeless Animal Prevention and Care Fund established in section  
40 35WW of chapter 10.