

HOUSE No. 1934

The Commonwealth of Massachusetts

PRESENTED BY:

Edward R. Philips

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 animal cruelty.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Edward R. Philips</i>	<i>8th Norfolk</i>	<i>1/16/2025</i>
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>2/10/2025</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>2/5/2025</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>2/24/2025</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>2/17/2025</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/24/2025</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/31/2025</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>1/31/2025</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Norfolk</i>	<i>2/10/2025</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/10/2025</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/10/2025</i>
<i>Tara T. Hong</i>	<i>18th Middlesex</i>	<i>2/10/2025</i>
<i>Manny Cruz</i>	<i>7th Essex</i>	<i>2/10/2025</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>2/10/2025</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/17/2025</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>3/4/2025</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>3/4/2025</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>3/4/2025</i>

<i>William C. Galvin</i>	<i>6th Norfolk</i>	<i>3/4/2025</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>3/4/2025</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>3/4/2025</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>3/4/2025</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>3/24/2025</i>
<i>Adrienne Pusateri Ramos</i>	<i>14th Essex</i>	<i>3/24/2025</i>
<i>John C. Velis</i>	<i>Hampden and Hampshire</i>	<i>3/24/2025</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>3/24/2025</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>3/24/2025</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>	<i>3/24/2025</i>
<i>Margaret R. Scarsdale</i>	<i>1st Middlesex</i>	<i>4/8/2025</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>4/15/2025</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>4/25/2025</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>4/25/2025</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>4/25/2025</i>

HOUSE No. 1934

By Representative Philips of Sharon, a petition (accompanied by bill, House, No. 1934) of Edward R. Philips and others for legislation to further regulate animal cruelty. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act preventing animal cruelty.

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.

2 Chapter 140 of the General Laws, as appearing in the 2022 Official Edition, is hereby
3 amended by inserting after section 151C the following section:-.

4 Section 151D.

5 (1) For the purposes of this section:

6 (a) “Enforcing Authority” shall include: any law enforcement officer, animal control
7 officer certified under section 151 of chapter 140, special state police officer duly appointed by
8 the colonel of the state police at the request of the Massachusetts Society for the Prevention of
9 Cruelty to Animals or the Animal Rescue League of Boston under section 57 of chapter 22C,
10 sheriff or deputy sheriff; and

11 (b) “Neglected” shall include, but not be limited to the following:

12 (i) depriving the animal of necessary sustenance;

13 (ii) failing to provide the animal with proper food, drink, shelter, sanitary environment, or
14 protection from the weather; or

15 (iii) allowing or permitting the animal to be subjected to unnecessary suffering.

16 (2) To humanely protect any neglected animal, the enforcing authority may, upon
17 probable cause to believe an animal has been neglected:

18 (a) Immediately remove an animal in an emergency situation from the animal's present
19 location in order to take custody of the animal if the enforcing authority has an objectively
20 reasonable basis to believe that the animal is injured or in imminent danger of physical harm,
21 provided the enforcing authority's conduct following entry for removal is reasonable under the
22 circumstances. A petition pursuant to this section shall be filed with the district court of the
23 county in which the animal is located within 10 calendar days of removal of the animal seeking
24 relief under this section;

25 (b) File a petition with the district court of the county in which the animal is located
26 seeking authority to order the owner or keeper of any animal found neglected to provide certain
27 care to such animal at the expense of the owner or keeper without removal of the animal from its
28 present location; or

29 (c) File a petition with the district court of the county in which the animal is located
30 seeking authority to seize the animal.

31 (3) Upon the filing of a petition pursuant to this section, wherein the enforcing authority
32 is seeking relief pursuant to this section, the clerk magistrate of the district court shall schedule

33 and commence a hearing on the petition before the justice of the district court within 10 calendar
34 days of the date the petition is filed to determine whether the animal is neglected and whether the
35 owner or keeper, if known, is able to humanely care for the animal. If there is any period of delay
36 beyond the initial 10 calendar days before a hearing can commence, and that delay is attributable
37 to the enforcing authority, the owner or keeper shall not be required to cover the cost of animal
38 care for such period of delay. After the hearing, the court order shall be entered within 10
39 calendar days. A fee may not be charged for filing of the petition. This subsection does not
40 require court action for stray or abandoned animals as lawfully performed by animal control
41 agents pursuant to section 151A of chapter 140 or any other individual authorized by law.

42 (4) If taking custody of an animal under this section, the enforcing authority shall serve
43 written notice upon the owner or keeper of the animal, in-hand, if such person is known, or leave
44 a copy of the written notice at the location where the animal was removed from, at least 3 days
45 before the hearing is scheduled under subsection (3).

46 (5) The enforcing authority taking custody of an animal under this section shall provide
47 care for the animal until either:

48 (a) The court determines the animal has been neglected and orders the forfeiture of the
49 animal to the enforcing authority, allowing the enforcing authority to permanently transfer the
50 animal;

51 (b) The court determines the animal has not been neglected and orders the enforcing
52 authority to return the animal to the animal's owner or keeper, in which case the animal shall be
53 returned to the owner or keeper upon payment by the owner or keeper, for the care and provision
54 for the animal while in the custody of the enforcement authority; or

55 (c) The court determines humane euthanasia is in the best interest of the animal.

56 (6) If the evidence indicates the animal has been neglected, the burden is on the owner or
57 keeper to demonstrate by clear and convincing evidence that he or she is able to humanely care
58 for the animal.

59 (7) After a hearing, the court shall make a determination as to whether the animal has
60 been neglected.

61 (8) In determining whether the animal has been neglected, the court may consider, among
62 other matters:

63 (a) Testimony from the enforcing authority who removed or seized the animal and other
64 witnesses as to the condition of the animal when removed or seized and as to the conditions
65 under which the animal was kept;

66 (b) Testimony and evidence as to the veterinary care provided to the animal;

67 (c) Testimony and evidence as to the type and amount of care provided to the animal;

68 (d) Expert testimony as to the community standards for proper and reasonable care of the
69 same type of animal;

70 (e) Testimony from any witnesses as to prior treatment or condition of this or other
71 animals in the same custody;

72 (f) The owner or keeper's past record of judgments pursuant to this chapter;

73 (g) Convictions or admissions to sufficient facts pursuant to applicable statutes
74 prohibiting cruelty to animals;

75 (h) Documentary or testimonial evidence of past investigations involving facts and
76 circumstances relating to the care and treatment of any animals; and

77 (i) Other evidence the court considers to be material or relevant.

78 (9) If after a hearing the court determines the animal has been neglected, the court may:

79 (a) Order that the owner or keeper have no further custody of the animal and the animal
80 forfeited to the custody of the enforcing authority or any agency or person the court deems
81 appropriate; or

82 (b) Order the animal be humanely euthanized, if in the best interest of the animal.

83 (10) If after a hearing the court determines the animal has not been neglected or subjected
84 to cruel conditions and orders the enforcing authority to return the animal to the animal's owner
85 or keeper, the order shall provide that the animal in the possession of the enforcement authority
86 be claimed and removed by the owner or keeper within 7 days after the date of the order. If the
87 animal is not removed within 7 days, the animal shall be deemed abandoned by the owner or
88 keeper.

89 (11) The court's judgment shall be final and neither party shall have the right to an appeal
90 of the judgment unless there exists a change in circumstance or newly discovered evidence
91 within 10 business days of the final judgment by the court. The appeal shall be in the form of a
92 motion to reconsider to the same justice who presided over the original hearing.

93 (12) The court may order that other animal(s) that are in the custody of the owner or
94 keeper, not removed or seized by the enforcing authority, be forfeited to the enforcing authority
95 if the court determines that the owner or keeper is unable to humanely care for any such

96 additional animal(s). The court may prohibit such owner or keeper from harboring, owning,
97 possessing, exercising control over, residing with, adopting, or fostering any additional
98 animal(s).

99 (13) The court, upon proof of costs incurred by the enforcing authority, may require that
100 the owner or keeper pay for the care of the animal while in the custody of the enforcing
101 authority. A separate hearing may be held.

102 (14) Nothing in this section precludes an enforcing authority from applying for a search
103 warrant to seize the animal pursuant to sections 1 through 7 of chapter 276 and section 83 of
104 chapter 272 and from pursuing criminal charges relating to the animal pursuant to the applicable
105 statutes prohibiting cruelty to animals.