

**HOUSE . . . . . No.**

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**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>1/15/2025</i>

**HOUSE . . . . . No.**

[Pin Slip]

**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.