

SENATE No. 1277

The Commonwealth of Massachusetts

PRESENTED BY:

John C. Velis

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 relative to the humane protection of animals.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>John C. Velis</i>	<i>Hampden and Hampshire</i>	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>1/29/2025</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/3/2025</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Norfolk</i>	<i>2/11/2025</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/11/2025</i>
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>2/11/2025</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/11/2025</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/14/2025</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>2/26/2025</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>3/5/2025</i>
<i>Paul W. Mark</i>	<i>Berkshire, Hampden, Franklin and Hampshire</i>	<i>3/14/2025</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>3/21/2025</i>
<i>Manny Cruz</i>	<i>7th Essex</i>	<i>3/25/2025</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>4/8/2025</i>
<i>John J. Cronin</i>	<i>Worcester and Middlesex</i>	<i>4/25/2025</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>4/28/2025</i>
<i>Pavel M. Payano</i>	<i>First Essex</i>	<i>7/2/2025</i>

SENATE No. 1277

By Mr. Velis, a petition (accompanied by bill, Senate, No. 1277) of John C. Velis, Joanne M. Comerford, Michael O. Moore, Michael D. Brady and other members of the General Court for legislation relative to the humane protection of animals. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1142 OF 2023-2024.]

The Commonwealth of Massachusetts

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

An Act relative to the humane protection of 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 Chapter 140 of the General Laws, as appearing in the 2022 Official Edition, is hereby
2 amended by inserting after section 151C the following section:-

3 Section 151D. (a) For the purposes of this section:-

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

9 “Neglected” shall include, but not be limited to the following: (i) depriving the animal of
10 necessary sustenance; (ii) failing to provide the animal with proper food, drink, shelter, sanitary
11 environment, or protection from the weather; or (iii) allowing or permitting the animal to be
12 subjected to unnecessary suffering.

13 (b) To humanely protect any neglected animal, the enforcing authority may, upon
14 probable cause to be believe an animal has been neglected:

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

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

26 (3) File a petition with the district court of the county in which the animal is located
27 seeking authority to seize the animal.

28 (c) Upon the filing of a petition pursuant to this section, wherein the enforcing authority
29 is seeking relief pursuant to this section, the clerk magistrate of the district court shall schedule
30 and commence a hearing on the petition before the justice of the district court within 10 calendar

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

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

43 (e) The enforcing authority taking custody of an animal under this section shall provide
44 care for the animal until either:

45 (1) The court determines the animal has been neglected and orders the forfeiture of the
46 animal to the enforcing authority, allowing the enforcing authority to permanently transfer the
47 animal;

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

52 (3) The court determines humane euthanasia is in the best interest of the animal.

53 (f) If the evidence indicates the animal has been neglected, the burden is on the owner or
54 keeper to demonstrate by clear and convincing evidence that he or she is able to humanely care
55 for the animal.

56 (g) After a hearing, the court shall make a determination as to whether the animal has
57 been neglected.

58 (h) In determining whether the animal has been neglected, the court may consider, among
59 other matters:

60 (1) Testimony from the enforcing authority who removed or seized the animal and other
61 witnesses as to the condition of the animal when removed or seized and as to the conditions
62 under which the animal was kept;

63 (2) Testimony and evidence as to the veterinary care provided to the animal;

64 (3) Testimony and evidence as to the type and amount of care provided to the animal;

65 (4) Expert testimony as to the community standards for proper and reasonable care of the
66 same type of animal;

67 (5) Testimony from any witnesses as to prior treatment or condition of this or other
68 animals in the same custody;

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

70 (7) Convictions or admissions to sufficient facts pursuant to applicable statutes
71 prohibiting cruelty to animals;

72 (8) Documentary or testimonial evidence of past investigations involving facts and
73 circumstances relating to the care and treatment of any animals; and

74 (9) Other evidence the court considers to be material or relevant.

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

76 (1) Order that the owner or keeper have no further custody of the animal and the animal
77 forfeited to the custody of the enforcing authority or any agency or person the court deems
78 appropriate; or

79 (2) Order the animal be humanely euthanized, if in the best interest of the animal.

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

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

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

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

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

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