

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

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 ownership of pets by convicted animal abusers.

PETITION OF:

NAME:

Michael O. Moore

DISTRICT/ADDRESS:

Second Worcester

SENATE No.

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1076 OF 2023-2024.]

The Commonwealth of Massachusetts

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

An Act relative to the ownership of pets by 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:

1 SECTION 1. Said section 35WW of said chapter 10, as so appearing, is hereby further
2 amended by inserting after the figure “140”, in line 9, the following words:- “and include the
3 writing of citations under section 174E of chapter 140”.

4 SECTION 2. Section 35WW of chapter 10 of the General Laws, as appearing in the 2022
5 Official Edition, is hereby amended by inserting after the figure “62”, in line 17, the following
6 words:- “, fines collected pursuant to section 37 of chapter 129”.

7 SECTION 3. Section 37 of chapter 129, as so appearing, is hereby amended by inserting
8 after the fourth sentence the following sentence:- “A fine assessed under this section shall be
9 deposited into the Homeless Animal Prevention and Care Fund established in section 35WW of
10 chapter 10.”

11 SECTION 4. Section 77C of Chapter 272 of the General Laws, as appearing in the 2022
12 Official Edition, is hereby amended, in subsection (d), by striking out the second paragraph and
13 inserting in place thereof the following sentence:-

14 “A person convicted of a violation of this section shall be subject to the prohibition on
15 access to animals as required by section 77 ½ of chapter 272.”

16 SECTION 5. Chapter 272 of the General Laws, as appearing in the 2022 Official Edition,
17 is hereby amended by inserting after section 77 the following section:-

18 Section 77 1/2: Temporary possession ban of animals by animal abusers

19 (a) The court shall prohibit a person convicted under chapter 272 section 77, 77C or 94
20 from owning or accessing animals, per subsection (c), for at least 5 years after the person’s date
21 of conviction or release from custody, whichever is later, for a first offense or for at least 15
22 years for a second or subsequent offense, or for any greater length of time the court deems
23 appropriate for the protection of animals.

24 (b) The court may prohibit ownership and access to animals, per subsection (c), for any
25 length of time the court deems appropriate for the protection of animals, for a person charged
26 with any animal-related offense under chapter 272 or 266 and either (i) convicted of any offense
27 not enumerated in subsection (a) or (ii) placed in the care of the probation department upon a
28 continuance without a finding or pretrial pursuant to section 87 of chapter 276.

29 (c) A person prohibited from owning or accessing animals shall not: (i) own, harbor,
30 possess, have custody of, exercise control over, reside with, adopt, or foster an animal; or (ii)
31 volunteer or work, whether paid or unpaid, in any capacity that requires the person to be in

32 contact with an animal, including, but not limited to, an animal boarding, including daycare, or
33 training establishment; animal control facility; pet shop; grooming facility; breeder; veterinary
34 hospital or clinic; or animal shelter, animal rescue organization, animal welfare society or other
35 nonprofit organization incorporated for the purpose of providing for or promoting the welfare,
36 protection and humane treatment of animals.

37 (d) The court shall notify the relevant authorities of the duration and conditions of the
38 prohibition within 30 days. Such authorities shall include: any municipal officer involved with
39 animal control, any municipal official responsible for the issuance of dog licenses, and the chief
40 of police in the municipality of the offender's residence or residences; any special state police
41 officer duly appointed by the colonel of the state police at the request of the Massachusetts
42 Society for the Prevention of Cruelty to Animals or the Animal Rescue League of Boston under
43 section 57 of chapter 22C; and, if the offender will serve a probationary sentence, the probation
44 department. Such notice to authorities shall not be a public record under clause twenty-six of
45 section 7 of chapter 4 or chapter 66.

46 (e) A person prohibited from owning or accessing animals may petition the court to
47 reduce the duration or conditions of the prohibition once per year. Such petition shall include: (i)
48 an identification by county and docket number of the proceeding in which the petitioner was
49 convicted; (ii) the date the judgment of conviction entered; (iii) the sentence imposed following
50 conviction; (iv) a statement identifying all previous proceedings for direct and collateral review
51 and the orders or judgments entered; and (v) all grounds for reduction of the duration or
52 conditions of the prohibition claimed by the petitioner. The petitioner shall have the burden of

53 establishing by a preponderance of evidence all of the following: (i) the petitioner does
54 not present a danger to animals; (ii) the petitioner has the ability to properly care for any and all
55 animals the petitioner may own or access; and (iii) the petitioner has successfully completed
56 relevant classes and counseling deemed sufficient by the court. The petitioner shall serve a copy
57 of the petition upon the office of the prosecuting attorney and, if at the time of filing the
58 petitioner is serving a probationary sentence, the probation department. Upon receipt of a
59 petition, the court shall schedule a hearing. At the hearing, the prosecuting attorney shall respond
60 to the petition, specifying whether the petitioner presents a danger to animals and whether the
61 petitioner should have the duration or conditions of the prohibition reduced. If the petitioner has
62 met their burden, the court may reduce the duration or conditions of the prohibition, issuing
63 corresponding notice as established in subsection (b) and may order that the petitioner instead
64 comply with reasonable and unannounced inspections of the petitioner's residence or residences,
65 for a period of time the court deems appropriate, by an animal control officer as defined in
66 section 136A of chapter 140 or a police officer or special state police officer appointed under
67 section 57 of chapter 22C.

68 (f) Any person found in violation of an order incorporating the provisions of this section,
69 in addition to any other punishment provided by law, shall forfeit custody of any animal owned,
70 possessed, or kept by the offender to the custody of an entity incorporated under the laws of the
71 commonwealth for the prevention of cruelty to animals or for the care and protection of
72 homeless or suffering animals; and, for any length of time the court deems appropriate, shall not
73 own or access any animal, per subsection (c); provided, however, that the duration shall be
74 greater than the length of time originally ordered in subsection (a) or (b). Such person may,
75 additionally, be fined in an amount not exceeding \$1,000 for each animal involved in a violation

- 76 of this section. A fine assessed under this section shall be deposited into the Homeless Animal
77 Prevention and Care Fund established in section 35WW of chapter 10.