

SENATE No.

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:

Mark C. Montigny

DISTRICT/ADDRESS:

Second Bristol and Plymouth

SENATE No.

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1059 OF 2023-2024.]

The Commonwealth of Massachusetts

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

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

4 SECTION 2. Section 37 of chapter 129 of the General Laws, as so appearing, is hereby
5 amended by inserting after the fourth sentence the following sentence:- A fine assessed under
6 this section shall be deposited into the Homeless Animal Prevention and Care Fund established
7 in section 35WW of chapter 10.

8 SECTION 3. Section 174E of chapter 140 of the General Laws, as so appearing, is
9 hereby amended by striking subsection (g) and inserting in place thereof the following
10 subsection:-

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

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

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

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

22 (2) lack of protection when wind or environmental or weather conditions pose an adverse
23 risk to the health or safety of the animal based on the animal’s species, age, or physical
24 condition.

25 SECTION 4. Subsection (h) of section 174E of said chapter 140 is hereby amended by
26 inserting at the beginning thereof the following:-

27 A person who violates this section shall: (i) for a first offense, be issued a written
28 warning or punished by a fine of not more than \$50; (ii) for a second offense, be punished by a
29 fine of not more than \$200; and (iii) for a third or subsequent offense, be punished by a fine of
30 not more than \$500; provided, however, that for a third or subsequent offense, the animal may be

31 subject to impoundment in a local shelter or appropriate facility at the owner's, keeper's or
32 guardian's expense pending compliance with this section, or loss of ownership of the animal.

33 SECTION 5. Section 174E of said chapter 140 is hereby amended by inserting, in line
34 100, after the word "special" the following word:- state

35 SECTION 6. Said section 174E of chapter 140 is hereby amended by striking, in line
36 102, the word "and" and inserting in place thereof the following:- or

37 SECTION 7. Said section 174E of chapter 140 is hereby amended by inserting the
38 following subsection:-

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