

**SENATE . . . . . No. 876**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Bruce E. Tarr*

*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 establishing an animal abuse registry.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Bruce E. Tarr</i>	
<i>Robert L. Hedlund</i>	
<i>Susan C. Fargo</i>	
<i>Michael R. Knapik</i>	
<i>Richard T. Moore</i>	

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By Mr. Tarr, a petition (accompanied by bill, Senate, No. 876) of Bruce E. Tarr, Robert L. Hedlund, Susan C. Fargo, Michael R. Knapik and others for legislation to establish an animal abuse registry. The Judiciary.

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The Commonwealth of Massachusetts

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**In the Year Two Thousand Eleven**  
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An Act establishing an animal abuse registry.

*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 272, Section 84 shall be amended, by adding at the end thereof, the following  
2 new section:

3 Section 106 Animal Abuse Registry

4 (a) DEFINITIONS.

5 The following words as used in this chapter, unless the context otherwise requires, shall  
6 have the following meanings:

7 1. “animal abuse crime” means the commission of any crime against an animal under  
8 Chapter 272, Sections 77 through 81, inclusive, of the General Laws, and the comparable animal  
9 cruelty statutes of any other state.

10           2. “animal breeder” means any entity engaged in the practice of facilitating the  
11 reproduction of animals for the purpose of distributing the resulting offspring to one or more  
12 other individuals or entities.

13           3. “animal shelter” means a public animal control facility, or any other facility which is  
14 operated by any organization or individual for the purpose of protecting animals from cruelty,  
15 neglect, or abuse.

16           4. “convicted of” means an adjudication of guilt by any court of competent  
17 jurisdiction, whether upon a verdict or plea of guilty or nolo contendere.

18           5. “pet store” means every place or premise where birds, mammals or reptiles are kept  
19 for the purpose of sale at either wholesale or retail, import, export, barter, exchange or gift.

20           (b) CREATION OF AN ANIMAL ABUSE REGISTRY.

21           1. The Department of Criminal Justice Information Services shall establish and  
22 maintain a central computerized registry of all persons convicted of an animal abuse crime who  
23 are required to register pursuant to section 3, to be known as the Massachusetts Animal Abuse  
24 Registry.

25           2. The registry shall be updated based on information made available to the  
26 Department of Criminal Justice Information Services, including information acquired pursuant to  
27 the registration provisions of section 3.

28           3. The registry shall include the following information: the offender’s name, the  
29 offender’s residential address, the date and a description of the crime for which registration is  
30 required, and a photograph of the offender’s head and shoulders from the front.

31 (c) REGISTRATION REQUIREMENT AND REQUIRED INFORMATION.

32 1. All persons eighteen (18) years of age or older, or minors who have been tried as an  
33 adult, who reside in Massachusetts and are convicted of an animal abuse crime on or after the  
34 effective date of this law, shall register within ten (10) days following either the date of judgment  
35 or date of release from incarceration, whichever is later. Residents of other states who are  
36 convicted of an animal abuse crime on or after the effective date of this law, who subsequently  
37 reside in Massachusetts, shall register within their first ten (10) days of residing in  
38 Massachusetts.

39 2. Each person required to register under this section shall submit to the Department of  
40 Criminal Justice Information Services for inclusion on the registry:

41 a. Their name;

42 b. Their residential address;

43 c. A description of the offense for which registration is required, the city or town  
44 where the offense occurred, the date of conviction or adjudication, and the sentence imposed;  
45 and

46 d. A photograph of their head and shoulders from the front.

47 3. A person required to register under this section shall update registration information  
48 to reflect any change in address which may occur, or if no change in address occurs, annually  
49 from the date of their first registration.

50 4. Registration pursuant to this section shall remain in effect for a period of five (5)  
51 years following either the date of judgment or date of release from incarceration, whichever is

52 later, provided that such period shall be extended for additional five year periods for each  
53 conviction which may occur subsequent to an initial registration.

54 (d) FEES.

55 Every person required to register under section 3 shall pay an annual fee of \$50 to the  
56 Department of Criminal Justice Information Services. These funds shall be used to pay the  
57 administrative costs of maintaining the registry.

58 (e) FAILURE TO REGISTER.

59 Any person required to register under section 3 who knowingly: (i) fails to register; (ii)  
60 fails to verify registration information; (iii) fails to provide notice of a change of address; or (iv)  
61 knowingly provides false information shall be punished in accordance with this section.

62 a. A first conviction under this subsection shall be punished by imprisonment for not  
63 less than six months and not more than two and one-half years in a house of correction nor more  
64 than five years in a state prison or by a fine of not more than \$1,000 or by both such fine and  
65 imprisonment.

66 b. A second and subsequent conviction under this subsection shall be punished by  
67 imprisonment in the state prison for not less than five years.

68 c. A first conviction under this subsection shall be punished by a fine of not more  
69 than \$1,000 or imprisonment in a house of correction for not more than 10 days, or both.

70 d. A second conviction under this subsection shall be punished by a fine of not more  
71 than \$5000 or imprisonment in a house of correction for not more than 2 years, or both.

72 (f) APPEALING REGISTRATION.

73 1. Anyone convicted of an animal abuse crime who would otherwise be required to  
74 register under Section 3, may appeal to District Court for a determination of the level of danger  
75 posed by the offender. The department may, upon making specific written findings that the  
76 circumstances of the offense, in conjunction with the offender's criminal history, do not indicate  
77 a risk of reoffense or a danger to the public and the reasons therefore, relieve such offender of  
78 any further obligation to register, and shall remove such offender's registration information from  
79 the registry.

80 (g) AVAILABILITY OF REGISTRY.

81 The Department of Criminal Justice Information Services shall keep confidential and  
82 shall not publish the information contained in the registry, except that the information contained  
83 in the registry shall be made available for inspection by any animal shelter, pet store, or animal  
84 breeder in Massachusetts.

85 (h) REQUIREMENT TO CHECK REGISTRY.

86 1. All animal shelters, pet stores, and animal breeders in Massachusetts shall determine  
87 whether the name and address of any person seeking to purchase or adopt an animal appears on  
88 the registry.

89 2. No animal shelter, pet store, or animal breeder shall knowingly offer, sell, deliver,  
90 give or provide an animal to any person registered on the registry.

91 (i) PUNISHMENT FOR NOT CHECKING REGISTRY.

92           Any animal shelter, pet store, or animal breeder who violates the provisions of this act  
93 shall be punished by a fine of not less than \$1,000 or imprisonment for a period of not more than  
94 one year for a first offense, provided that each subsequent offense shall be punishable by a fine  
95 of not less than \$5,000 and imprisonment in a jail or house of correction for not more than five  
96 years.