SENATE DOCKET, NO. 658 FILED ON: 1/20/2011

SENATE . . . . . No. 876

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 passage of the accompanying:

An Act establishing an animal abuse registry.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bruce E. Tarr	*[District]*
Robert L. Hedlund	*[District]*
Susan C. Fargo	*[District]*
Michael R. Knapik	*[District]*
Richard T. Moore	*[District]*

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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.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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:

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

Section 106 Animal Abuse Registry

(a) DEFINITIONS.

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

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

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

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

4. "convicted of" means an adjudication of guilt by any court of competent jurisdiction, whether upon a verdict or please of guilty or nolo contendre.

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.

4. Registration pursuant to this section shall remain in effect for a period of five (5) years following either the date of judgment or date of release from incarceration, whichever is later, provided that such period shall be extended for additional five year periods for each conviction which may occur subsequent to an initial registration.

(d) FEES.

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

(e) FAILURE TO REGISTER.

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

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

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

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

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

(f) APPEALING REGISTRATION.

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

(g) AVAILABILITY OF REGISTRY.

The Department of Criminal Justice Information Services shall keep confidential and 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.