SENATE DOCKET, NO. 1063 FILED ON: 1/17/2013

SENATE . . . . . No. 767

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 passage of the accompanying:

An Act relative to a private cause of action to prevent the cruel and inhumane treatment of animals.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Mark C. Montigny	*Second Bristol and Plymouth*
Benjamin Swan	*11th Hampden*

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SENATE . . . . . No. 767

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 767) of Mark C. Montigny and Benjamin Swan for legislation to prevent the cruel and inhumane treatment of animals. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to a private cause of action to prevent the cruel and inhumane treatment 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:

SECTION 1. Chapter 243 of the General Laws, as appearing in the 2010 Official Edition is amended by inserting after section 6 the following new section:-

Section 7. A party of interest may bring an action under this chapter for the protection and humane treatment of animals. It shall be proper in any action to combine causes of action against one or more defendants for the protection of one or more animals. A party in interest as plaintiff shall include any person even if the person does not have any legal interest or possessory rights in an animal. Such person has standing to bring an action under this section based on the public policy against animal mistreatment. The action may be commenced against any individual, guardian or any entity that has possession of an animal and has engaged in or defendant shall include any guardian who has or is engaging in cruel or inhumane treatment of an animal or animals.

"Cruel and inhumane treatment of an animal or animals" shall include a violation of chapter 272, sections 77 to 80G or any circumstance in which the life, health or safety of the animal is at risk.