

SENATE No. 1105

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 updating hunter harassment laws.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	
<i>Kelly W. Pease</i>	<i>4th Hampden</i>	<i>3/1/2021</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>3/1/2021</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>3/19/2021</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>3/19/2021</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>3/19/2021</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>3/22/2021</i>
<i>David K. Muradian, Jr.</i>	<i>9th Worcester</i>	<i>3/22/2021</i>

SENATE No. 1105

By Mr. Moore, a petition (accompanied by bill, Senate, No. 1105) of Michael O. Moore, Kelly W. Pease, David Allen Robertson, Angelo J. Puppolo, Jr. and other members of the General Court for legislation to update hunter harassment laws. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 997 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act updating hunter harassment laws.

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 131 of the General Laws is hereby amended by striking out section 5C and
2 inserting in place thereof the following section:-

3 Section 5C. The citizens of the Commonwealth shall have the right to harvest fish and
4 wildlife free from harassment subject to rules and regulations established to maintain sustainable
5 and healthy populations of such natural resources.

6 (a) No person shall obstruct, interfere with or otherwise prevent the lawful harvest of fish
7 and wildlife by another at any such place in the commonwealth where it is lawful to do so. It
8 shall be a violation of this section for a person to intentionally:

9 (1) drive or disturb fish or wildlife for the purpose of interrupting a lawful taking; or

10 (2) block, follow, impede or otherwise harass another who is engaged in the lawful taking
11 of fish or wildlife; or

12 (3) use natural or artificial visual, aural, olfactory or physical stimulus to effect wildlife in
13 order to hinder or prevent such taking; or

14 (4) erect barriers with the intent to deny ingress or egress to areas where the lawful taking
15 of wildlife may occur; or

16 (5) interject himself into the line of fire; or

17 (6) effect the condition or placement of personal or public property intended for use in
18 the taking of wildlife; or

19 (7) enter or remain upon public lands, or upon private lands without the permission of the
20 owner or his agent, with intent to violate this section; or

21 (8) verbally or physically harass, threaten or other means of intimidation of an
22 individual/s lawfully engaged in the harvest fish and wildlife;

23 (9) utilize mechanical aerial devices to drive wildlife, harass, film, photograph or
24 otherwise intimidate.

25 A violation of this paragraph shall be punished by imprisonment in a jail or house of
26 correction for not more than 1 year or by a fine of not more than \$1,000 or both.

27 (b) Any person having caused destruction or otherwise vandalizes equipment utilized,
28 directly or indirectly, for the lawful harvest of fish and wildlife including, but not limited to,
29 vehicles, blinds, stands, trail cams, fishing gear, boats, etc. shall be punished by imprisonment in

30 a jail or house of correction for not more than 2 years or by a fine of not more than \$5,000 or
31 both.

32 (c) Any person having caused bodily injuries of another that were sustained from any
33 type of harassment or vandalism covered under this section shall be punished by imprisonment in
34 a jail or house of correction for not more than 5 years or by a fine of not more than \$10,000 or
35 both.

36 The superior court shall have jurisdiction to issue an injunction to enjoin any such
37 conduct or conspiracy in violation of the provisions of this section. A person who sustains
38 damage as a result of any act which is in violation of this section may bring a civil action for
39 punitive damages in addition to the penalties established herein. Environmental protection
40 officers and other law enforcement officers with arrest powers shall be authorized to enforce the
41 provisions of this section.

42 (d) Unless authorized by the property owner it shall be unlawful to post land closed, or
43 restricted, to the lawful harvest of fish and wildlife. Any person convicted of illegally posting
44 land shall be punished by imprisonment in a jail or house of correction for not more than 1 year
45 or a fine of not more \$1,000 or both.

46 Any fines collected under this section shall be deposited into the Inland Fisheries and
47 Game Fund established under section 2C of chapter 131, and may be utilized for the purposes of
48 the Hunter Education Program.