

SENATE No. 2345

Senate, Thursday, July 31, 2014 -- Substituted by amendment (Senator Tarr, et al) for the House Bill relative to the penalty for killing, maiming or poisoning of animals (House, No. 4328, amended).

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act protecting animal welfare and safety.

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. Chapter 112 of the General Laws is hereby amended by striking section
2 58B, as appearing in the 2012 Official Edition, and inserting in place thereof the following
3 section:-

4 Section 58B. A veterinarian who, while in the normal course of business, observes an
5 animal whom such veterinarian knows or reasonably suspects has been the victim of animal
6 cruelty prohibited under section 77 or section 94 of chapter 272 shall report said suspected
7 animal cruelty to a police officer or a special state police officer appointed under section 57 of
8 chapter 22C.

9 A veterinarian duly registered under section 55 who reports, in good faith and in the
10 normal course of business, a suspected act of cruelty to animals prohibited under section 77 or
11 section 94 of chapter 272 to a police officer, or a special state police officer appointed under
12 section 57 of chapter 22C, shall not be liable in a civil or criminal action for reporting such act.

13 Any veterinarian who fails to report such an act of cruelty shall be reported to the Board
14 of Registration in Veterinary Medicine.

15 SECTION 2. Section 112 of chapter 266 of the General Laws, as appearing in the 2012
16 Official Edition, is hereby amended by striking, in lines 5-8, the words “for not more than five
17 years or by imprisonment in the house of correction for not more than 2 ½ years or by a fine of
18 not more than \$2,500, or by both such fine and imprisonment” and inserting in place thereof the
19 following:-

20 “for not more than 7 years in state prison or imprisonment in the house of correction for
21 not more than 2 1/2 years or by a fine of not more than \$5,000, or by both such fine and
22 imprisonment; provided, however, that a second or subsequent offense shall be punished by
23 imprisonment in the state prison for not more than 10 years or by a fine of not more than
24 \$10,000, or by both such fine and imprisonment.”

25 SECTION 3. Chapter 272 of the General Laws, as appearing in the 2012 Official Edition,
26 is hereby amended, in section 77, by striking lines 19 through 21, inclusive, and inserting in
27 place thereof the following wording:-

28 “for not more than 7 years in state prison or imprisonment in the house of correction for
29 not more than 2 1/2 years or by a fine of not more than \$5,000, or by both such fine and
30 imprisonment; provided, however, that a second or subsequent offense shall be punished by
31 imprisonment in the state prison for not more than 10 years or by a fine of not more than
32 \$10,000, or by both such fine and imprisonment.”

33 SECTION 4. The first paragraph of said section 77 of said chapter 272, as so appearing,
34 is hereby amended by adding the following sentence:-

35 Notwithstanding section 26 of chapter 218 or any other general or special law to the
36 contrary, the district courts and divisions of the Boston municipal court department shall have
37 original jurisdiction, concurrent with the superior court, of a violation of this section.”.

38 SECTION 5. (a) There shall be a task force established to complete a systematic review
39 of the laws pertaining to animal cruelty and protection. The task force shall consist of the
40 attorney general or a designee; the president of the district attorneys association or a designee;
41 the colonel of the Massachusetts state police or a designee; the commissioner of the department
42 of agricultural resources or a designee; a designee from the Massachusetts Society for the
43 Prevention of Cruelty to Animals; a designee from the Animal Rescue League of Boston; a
44 designee from the Massachusetts bar association and a designee of the Pet Industry Joint
45 Advisory Council; and 2 members appointed by the governor, 1 of whom shall be an animal
46 control officer or representative of an association organized in the commonwealth for animal
47 control officers, and 1 whom shall be a veterinarian or member of a veterinary medical
48 association organized in the commonwealth. Said members of the task force shall appoint a
49 chair.

50 (b) The task force shall:

51 (i) assess the adequacy, effectiveness, and necessity of laws pertaining to animal
52 cruelty and protection, including but not limited to the laws pertaining to the protection of
53 animals contained in chapters 266 and 272 of the General Laws and duties of the Massachusetts
54 Society for the Prevention of Cruelty to Animals and Animal Rescue League of Boston under

55 chapter 129 of the General Laws, the process of charging for animal cruelty, and the issuing of
56 citations under section 174E of chapter 140;

57 (ii) identify and review the existing services, facilities and funding to meet the
58 needs of animals seized in cruelty cases and explore interagency options for coordination and
59 funding to care for these animals;

60 (iii) evaluate approaches and offer recommendations for education and training
61 opportunities for law enforcement, animal control officers, judges, veterinarians and other
62 professionals, including but not limited to, methods to identify animal abuse, the link between
63 domestic violence and animal abuse and animal hoarding;

64 (iv) examine the feasibility and effectiveness of participating in a national animal
65 abuse registry or other similar registry, if created;

66 (v) examine existing methods to report animal abuse and explore additional
67 mechanisms, if needed, as well as ways to promote these reporting mechanisms;

68 (vi) recommend ways to develop and promulgate educational materials to children
69 to educate about animal abuse; and

70 (vii) assess the impact of housing issues, including but not limited to,
71 homeowners insurance and abandonment in vacated housing, on the surrender or abandonment
72 of animals.

73 (c) The task force shall submit a report of its findings and legislative recommendations to
74 the clerks of the senate and house of representatives and the chairs of the joint committee on the
75 judiciary not later than 18 months after the effective date of this act. The task force shall
76 determine if subsequent reports are necessary in order to properly address animal cruelty and
77 protection.”