

SENATE No. 2640

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

SENATE, July 30, 2018

The committee on Rules to whom was referred the Senate Bill enhancing the issuance of citations for cruel conditions for animals (Senate, No. 2285),-- reports, that the matter be placed on the orders of the Day for the next session, with an amendment substituting a new draft with the same title (Senate, No. 2640).

For the committee,
Mark C. Montigny

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act enhancing the issuance of citations for cruel conditions for animals.

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. Section 35WW of chapter 10 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by inserting after the figure “62”, in line 17, the following
3 words:- , fines collected pursuant to section 37 of chapter 129.

4 SECTION 2. Section 37 of said chapter 129, as so appearing, is hereby amended by
5 inserting after the fourth sentence the following sentence:-

6 A fine assessed under this section shall be deposited into the Homeless Animal Prevention and
7 Care Fund established in section 35WW of chapter 10.

8 SECTION 3. Section 174E of chapter 140 of the General Laws, as so appearing, is
9 hereby amended by striking subsections (g) and (h) and inserting in place thereof the following
10 4 subsections:-

11 (g) A person who owns or keeps a farm animal, including, but not limited to, livestock, a
12 mule, domestic waterfowl or an animal listed under section 1A of chapter 128 regardless of the
13 purpose for which the animal is used or kept, shall not subject the farm animal to cruel

14 conditions. For the purposes of this subsection “cruel conditions” shall include, but not be
15 limited to:

16 (i) exposure to excessive animal waste, non-potable water, unsanitary food,
17 dangerous objects that could kill or injure an animal upon contact or other circumstances that
18 could cause harm to the health or safety of the farm animal based on species, age or physical
19 condition; or

20 (ii) failure to provide, at a minimum, a structurally-sound shelter of adequate size
21 for the number of farm animals in the shelter; provided, however, that such a shelter shall
22 include, but not be limited to, a lean-to or other 3-sided shelter with a roof that provides
23 protection from weather elements that pose an adverse risk to the health or safety of the farm
24 animal based on species, age or physical condition.

25 (h) A person who violates this section shall: (i) for a first offense, be issued a written
26 warning or punished by a fine of not more than \$50; (ii) for a second offense, be punished by a
27 fine of not more than \$200; and (iii) for a third or subsequent offense, be punished by a fine of
28 not more than \$500; provided, however, that for a third or subsequent offense that involves a
29 dog, the person shall be subject to impoundment of the dog in a local shelter at the owner’s,
30 keeper’s or guardian’s expense pending compliance with this section or loss of ownership or
31 custody of the dog.

32 (i) A special state police officer appointed by the colonel of state police at the request of
33 the Massachusetts Society for the Prevention of Cruelty to Animals or the Animal Rescue
34 League of Boston pursuant to section 57 of chapter 22C may enforce this section pursuant to the
35 notice and court procedures undersection 21D of chapter 40 if an animal control officer, after

36 being contacted by the Massachusetts Society for the Prevention of Cruelty to Animals or the
37 Animal Rescue League of Boston in response to a violation of this section, is unresponsive or
38 unavailable.

39 (j) Nothing in this section shall preclude prosecution under section 77 of chapter 272.