

SENATE No. 2646

The Commonwealth of Massachusetts

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

An Act to protect animal welfare and safety in cities and towns.

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 178C of chapter 6 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by inserting after the figure “272”, in line 96, the following
3 words:- ; engaging in sexual contact with an animal under section 77C of said chapter 272.

4 SECTION 2. Section 15 of chapter 19A of the General Laws, as so appearing, is hereby
5 amended by inserting after the word “technician”, in line 3, the following words :- , animal
6 control officer.

7 SECTION 3. Chapter 19A of the General Laws is hereby amended by adding the
8 following section:-

9 Section 42. (a) During any investigation or evaluation reported under section 18, any
10 employee of the department, its designated agency or any person employed pursuant to a
11 contract with the department or its designated agency, when acting in his or her professional
12 capacity or within the scope of his or her employment, who has knowledge of or observes an
13 animal whom he or she knows or reasonably suspects has been the victim of animal cruelty,

14 abuse or neglect, may report the known or suspected animal cruelty, abuse or neglect to the
15 entities that investigate reports of animal cruelty, abuse or neglect, as described in section 57 of
16 chapter 22C, or any local animal control authority.

17 (b) The report may be made within 2 working days of receiving the information
18 concerning the animal, by facsimile transmission or a written report or by telephone. In cases
19 where an immediate response may be necessary in order to protect the health and safety of the
20 animal, the report should be made by telephone as soon as possible.

21 (c) When 2 or more employees of the department or its designated agency, or persons
22 employed pursuant to a contract with the department or its designated agency, are present and
23 jointly have knowledge of known or reasonably suspected animal cruelty, abuse or neglect, and
24 where there is agreement among them, a report may be made by 1 person by mutual agreement.
25 Any reporter who has knowledge that the person designated to report has failed to do so may
26 thereafter make the report.

27 (d) No person making such report shall be liable in any civil or criminal action by reason
28 of such report if it was made in good faith. Any privilege established by sections 135A and 135B
29 of chapter 112 or by section 20B of chapter 233, relating to confidential communications, shall
30 not prohibit the filing of a report pursuant to this section.

31 (e) Nothing in this section shall impose a duty on the department or its designated agency
32 to investigate known or reasonably suspected animal cruelty, abuse or neglect.

33 (f) Nothing in this section shall prevent the department, area office or subdivision or its
34 designated agency from entering into an agreement, contract or memorandum of understanding
35 with the entities that investigate reports of animal cruelty, abuse or neglect as described in

36 section 57 of chapter 22C, to require such reports or to engage in training in identification and
37 reporting of animal abuse, cruelty and neglect.

38 SECTION 4. Section 1 of chapter 19C of the General Laws, as appearing in the 2016
39 Official Edition, is hereby amended by inserting after the word “officer”, in line 28, the first time
40 it appears, the following words:- , animal control officer.

41 SECTION 5. Chapter 19C of the General Laws is hereby amended by adding the
42 following section:-

43 Section 14. (a) During any investigation or evaluation reported under section 5, any
44 investigator designated by the commission, the general counsel, or a department within the
45 executive office of health and human services, when acting in his or her professional capacity or
46 within the scope of his or her employment, who has knowledge of or observes an animal whom
47 he or she knows or reasonably suspects has been the victim of animal cruelty, abuse or neglect,
48 may report the known or suspected animal cruelty, abuse or neglect to the entities that investigate
49 reports of animal cruelty, abuse or neglect, as described in section 57 of chapter 22C, or any
50 local animal control authority.

51 (b) The report may be made within 2 working days of receiving the information
52 concerning the animal, by facsimile transmission or a written report or by telephone. In cases
53 where an immediate response may be necessary in order to protect the health and safety of the
54 animal, the report should be made by telephone as soon as possible.

55 (c) When 2 or more investigators are present and jointly have knowledge of known or
56 reasonably suspected animal cruelty, abuse or neglect, and where there is agreement among

57 them, a report may be made by 1 person by mutual agreement. Any reporter who has knowledge
58 that the person designated to report has failed to do so may thereafter make the report.

59 (d) No person making such report shall be liable in any civil or criminal action by reason
60 of such report if it was made in good faith. Any applicable privilege that relates to confidential
61 communications made to the commission shall not prohibit the filing of a report pursuant to this
62 section.

63 (e) Nothing in this section shall impose a duty on the commission to investigate known or
64 reasonably suspected animal cruelty, abuse or neglect.

65 (f) Nothing in this section shall prevent the commission from entering into an agreement,
66 contract or memorandum of understanding with the entities that investigate reports of animal
67 cruelty, abuse or neglect as described in section 57 of chapter 22C, to require such reports or to
68 engage in training in identification and reporting of animal abuse, cruelty and neglect.

69 SECTION 6. Section 21 of chapter 119 of the General Laws, as appearing in the 2016
70 Official Edition, is hereby amended by inserting after the word “officer”, in line 64, the
71 following words:- or animal control officer.

72 SECTION 7. Said section 85 of said chapter 119, as so appearing, is hereby further
73 amended by striking out, in lines 8 to 10, inclusive, the words “the entities that investigate
74 reports of animal cruelty, abuse or neglect, as described in section 57 of chapter 22C, or any
75 local animal control authority” and inserting in place thereof the following words:- a police
76 officer or a special state police officer appointed pursuant to section 57 of chapter 22C.

77 SECTION 8. Section 19B of chapter 131 of the General Laws, as so appearing, is hereby
78 amended by adding the following paragraph:-

79 A person authorized under this chapter to take and possess birds, reptiles, amphibians or
80 mammals shall not put an animal to death by the use of drowning. Any such person who
81 intentionally or knowingly puts an animal to death by the use of drowning shall, for a first
82 offense, be punished by imprisonment in the state prison for not more than 7 years or in a jail or
83 house of correction for not more than 2½ years, by a fine of not more than \$5,000 or by both
84 such fine and imprisonment and, for a second or subsequent offense, by imprisonment in the
85 state prison for not more than 10 years, by a fine of not more than \$10,000 or by both such fine
86 and imprisonment.

87 This section shall not take effect until the department of Fish and Game, in consultation
88 with the Environmental Police; the division of Animal Health; and the department of
89 Agricultural Resources, file a report with the clerks of the senate and house of representatives,
90 the house and senate chairs of the joint committee on municipalities and regional government,
91 and the house and senate committees on ways and means, identifying best practices related to
92 trapping and pest control, to include alternatives to drowning. Such report shall be filed on or
93 before June 1, 2019. Provided that if said report is not filed on or before June 1, 2019, the above
94 paragraph shall take effect on June 1, 2019.

95 SECTION 9. Section 136A of chapter 140 of the General Laws, as so appearing, is
96 hereby amended by striking out, in lines 2 and 7, the figure “174E” and inserting in place
97 thereof, in each instance, the following figure:- 174F.

98 SECTION 10. Section 137A of said chapter 140, as so appearing, is hereby amended by
99 adding the following subsection:-

100 (d) A person who violates this section shall be assessed a fine of \$500 for a first offense
101 and a fine of not more than \$1,000 for a second or subsequent offense.

102 SECTION 11. Section 137C of said chapter 140, as so appearing, is hereby amended by
103 striking out, in line 35, the figure “\$250” and inserting in place thereof the following:- \$500 for a
104 first offense and a fine of not more than \$1,000 for a second or subsequent offense.

105 SECTION 12. Section 141 of said chapter 140, as so appearing, is hereby amended by
106 striking out, in line 1, the figure “, 137A”.

107 SECTION 13. Section 173 of said chapter 140, as so appearing, is hereby amended by
108 striking out, in line 3, the figure “174E” and inserting in place thereof the following figure:-
109 174F.

110 SECTION 14. The first paragraph of section 173A of said chapter 140, as so appearing, is
111 hereby amended by striking out the second to seventh sentences, inclusive, and inserting in place
112 thereof the following 6 sentences:-

113 The fine for the first offense committed by a person shall be \$50. The fine for a second
114 offense shall be \$100. The fine for a third offense shall be \$300. For a fourth or subsequent
115 offense, the fine shall be \$500 and the municipality may order the animal spayed or neutered.
116 Payment shall be made only by money order or check. Notwithstanding the foregoing procedure
117 and schedule of fines, but subject to all other provisions of this section, a city or town may, by
118 ordinance or by-law, provide for an alternative procedure and a different schedule of fines;
119 provided, however, that the fines shall not be lower than those stated in this section.
120 Notwithstanding this section, a municipality may seek a remedy under section 157 for a nuisance
121 dog.

122 SECTION 15. Section 174E of said chapter 140, as so appearing, is hereby amended by
123 adding the following subsection:-

124 (i) A city or town shall enforce this section through its animal control officers or police
125 officers in a manner consistent with the disposition provisions in section 21D of chapter 40.

126 SECTION 16. Section 174F of said chapter 140, as so appearing, is hereby amended by
127 adding the following subsection:-

128 (i) A city or town shall enforce this section through its animal control officers or police
129 officers in a manner consistent with the disposition provisions in section 21D of chapter 40.

130 SECTION 17. Chapter 186 of the General Laws is hereby amended by adding the
131 following section:-

132 Section 30. Not more than 3 days after a property owner or a lessor knew or should have
133 known that a property has been vacated through termination of tenancy, abandonment or other
134 removal or exclusion of a tenant from the premises under this chapter or chapter 186A, the
135 property owner, lessor or a designee shall inspect the property for the presence of abandoned
136 animals.

137 If the property owner, lessor or a designee encounters an abandoned animal, that person
138 shall immediately notify an animal control officer as defined in section 136A of chapter 140, a
139 police officer or other authorized agent of the presence and condition of the animal.

140 The property owner, lessor or a designee who encounters an abandoned animal under this
141 section shall not be considered the owner, possessor or person having charge or custody of the
142 animal under section 77 of chapter 272.

143 For the purposes of this section, an animal shall be considered abandoned if it is found on
144 or in a property vacated through termination of tenancy, abandonment or other removal or
145 exclusion of a tenant from the premises under this chapter or said chapter 186A.

146 If the property owner, lessor or designee fails to comply with this section, the lessor or
147 property owner shall be subject to a civil penalty of not more than \$500 for a first offense and
148 not more than \$1,000 for a second or subsequent offense. Funds collected under this section shall
149 be deposited into the Homeless Animal Prevention and Care Fund established in section 35WW
150 of chapter 10.

151 SECTION 18. Section 4 of chapter 239 of the General Laws is hereby amended by
152 inserting after the word “thereof”, in line 5, as appearing in the 2016 Official Edition, the
153 following words:- ; provided, however, that if an animal is found on the land or in the tenement,
154 the officer shall immediately notify an animal control officer as defined in section 136A of
155 chapter 140, a police officer or other authorized agent of the presence and condition of the
156 animal.

157 SECTION 19. Subsection (a) of said section 4 of said chapter 239, as so appearing, is
158 hereby amended by adding the following sentence:- This section shall not apply to an animal
159 removed under section 30 of chapter 186, section 14 of this chapter or section 41 of chapter 244.

160 SECTION 20. Said chapter 239 is hereby further amended by adding the following
161 section:-

162 Section 14. Not more than 3 days after a property owner or a lessor knew or should have
163 known that a property has been vacated as a result of summary process, the property owner,
164 lessor or a designee shall inspect the property for the presence of abandoned animals.

165 If the property owner, lessor or a designee encounters an abandoned animal under this
166 section or section 4, the property owner, lessor or a designee shall immediately notify an animal
167 control officer as defined in section 136A of chapter 140, a police officer or other authorized
168 agent of the presence and condition of the animal.

169 The property owner, lessor or designee who encounters an abandoned animal pursuant to
170 this section shall not be considered the owner, possessor or person having the charge or custody
171 of the animal under section 77 of chapter 272.

172 For the purposes of this section, an animal shall be considered abandoned if it is found on
173 or in a property vacated as a result of summary process.

174 If the property owner, lessor or a designee fails to comply with this section, the lessor or
175 property owner shall be subject to a civil penalty of not more than \$500 for a first offense and
176 not more than \$1,000 for a second or subsequent offense. Funds collected under this section shall
177 be deposited into the Homeless Animal Prevention and Care Fund established in section 35WW
178 of chapter 10.

179 SECTION 21. Chapter 244 of the General Laws is hereby amended by adding the
180 following section:-

181 Section 41. Not more than 3 days after the property owner knew or should have known
182 that a property was vacated through a mortgage foreclosure the owner, person in control of the
183 property or a designee shall inspect the property for the presence of abandoned animals. If the
184 owner, person in control of the property or a designee encounters an abandoned animal under
185 this section, such person shall immediately notify an animal control officer as defined in section

186 136A of chapter 140, a police officer or other authorized agent of the presence and condition of
187 the animal.

188 The owner, person in control of the property or a designee who encounters an abandoned
189 animal pursuant to this section shall not be considered the owner, possessor or person having the
190 charge or custody of the animal under section 77 of chapter 272.

191 For the purposes of this section, an animal shall be considered abandoned if it is found in
192 a property vacated through mortgage foreclosure.

193 If the owner or person in control of the property fails to comply with this section, such
194 person shall be subject to a civil penalty of not more than \$500 for a first offense and not more
195 than \$1,000 for a second or subsequent offense. Funds collected under this section shall be
196 deposited into the Homeless Animal Prevention and Care Fund established in section 35WW of
197 chapter 10.

198 SECTION 22. Section 77 of chapter 272 of the General Laws, as appearing in the 2016
199 Official Edition, is hereby amended by striking out, in lines 32 to 35, inclusive, the words
200 “seventy-seven A, seventy-eight, seventy-eight A, seventy-nine A, seventy-nine B, eighty A,
201 eighty B, eighty C, eighty D, eighty F, eighty-six, eighty-six A, eighty-six B or ninety-four” and
202 inserting in place thereof the following figures:- 77A, 77C, 78, 78A, 79A, 79B, 80A, 80B, 80C,
203 80D, 80E, 80E½, 80F, 86, 86A, 86B or 94.

204 SECTION 23. Said chapter 272 is hereby further amended by inserting after section 77B
205 the following section:-

206 Section 77C. (a) For the purposes of this section, the following words shall, unless the
207 context clearly requires otherwise, have the following meanings:

208 “Animal”, a living nonhuman mammal, bird, reptile, amphibian, fish or invertebrate.

209 “Sexual contact”, (i) any act between a person and an animal that involves contact
210 between the sex organs or anus of one and the mouth, anus or sex organs of the other; (ii)
211 touching or fondling by a person of the sex organs or anus of an animal, either directly or
212 through clothing, without a bona fide veterinary or animal husbandry purpose; (iii) any transfer
213 or transmission of semen by the person upon any part of the animal; or (iv) the insertion,
214 however slight, of any part of a person’s body or any object into the vaginal or anal opening of
215 an animal or the insertion of any part of the animal’s body into the vaginal or anal opening of the
216 person.

217 (b) A person who willingly: (i) engages in sexual contact with an animal or advertises,
218 offers, accepts an offer for, sells, transfers, purchases or otherwise obtains an animal with the
219 intent that the animal be used for sexual contact; (ii) organizes, promotes, conducts or knowingly
220 participates in as an observer an act involving sexual contact with an animal; (iii) causes, aids or
221 abets another person to engage in sexual contact with an animal; (iv) knowingly permits sexual
222 contact with an animal to be conducted on any premises under the person’s control; (v) induces
223 or otherwise entices a child younger than 18 years of age or a person with a developmental or
224 intellectual disability, as defined in section 1 of chapter 123B, to engage in sexual contact with
225 an animal or engages in sexual contact with an animal in the presence of a child younger than 18
226 years of age or a person with a developmental or intellectual disability; (vi) forces another person
227 to engage in sexual contact with an animal; or (vii) disseminates photographs, videotapes or

228 other depictions prohibited sexual contact with an animal shall, for a first offense, be punished
229 by imprisonment in the state prison for not more than 7 years or by imprisonment in a jail or
230 house of correction for not more than 2½ years, by a fine of not more than \$5,000 or by both
231 such fine and imprisonment and, for a second or subsequent offense, by imprisonment in the
232 state prison for not more than 10 years, by a fine of not more than \$10,000 or by both such fine
233 and imprisonment.

234 (c) Notwithstanding section 26 of chapter 218 or any other general or special law to the
235 contrary, the district courts and the divisions of the Boston municipal court department shall
236 have original jurisdiction, concurrent with the superior court, of a violation of this section.

237 (d) Upon a conviction for a violation of this section and in addition to any other penalties
238 as may be provided by law, the defendant shall forfeit the animal whose treatment was the basis
239 of the conviction to the custody of an entity incorporated under the laws of the commonwealth
240 for the prevention of cruelty to animals or for the care and protection of homeless or suffering
241 animals.

242 Upon a conviction for a violation of this section, the defendant shall not: (i) work in any
243 capacity that requires the person to be in contact with an animal, including a commercial
244 boarding or training establishment, shelter, animal control facility, pet shop, grooming facility,
245 commercial breeder service, veterinary hospital or clinic or animal welfare society or other
246 nonprofit organization incorporated for the purpose of providing for and promoting the welfare,
247 protection and humane treatment of animals; or (ii) harbor, own, possess or exercise control over
248 an animal, reside in a household where any animals are present or engage in an occupation,
249 whether paid or unpaid, or participate in a volunteer position at any establishment where animals

250 are present for any length of time that the court deems reasonable for the protection of all
251 animals; provided, however, that the length of time shall not be less than 5 years after the
252 person's release from custody.

253 (e) This section shall not apply to lawful and accepted practices that relate to veterinary
254 medicine performed by a licensed veterinarian or a certified veterinary technician under the
255 guidance of a licensed veterinarian, artificial insemination of animals for the purpose of
256 procreation, accepted animal husbandry practices, including raising, breeding or assisting with
257 the birthing process of animals or any other practice that provides care for animals, or
258 conformation judging.

259 SECTION 24. Section 79 of said chapter 272, as appearing in the 2016 Official Edition,
260 is hereby amended by striking out, in lines 1 and 2, the words "corporation violating either of the
261 two preceding sections" and inserting in place thereof the following words:- for-profit
262 corporation, nonprofit corporation, business, professional corporation, partnership, limited
263 liability company, limited partnership, limited liability partnership or any other business entity
264 violating section 112 of chapter 266 or section 77, 77A, 77B, 78, 78A, 79A, 80½, 80A, 80B,
265 80C, 80D, 80E, 80E½, 80F, 80G, 80H, 80I, 81, 85A, 85B, 87, 94 or 95 of this chapter.

266 SECTION 25. Chapter 272 is hereby further amended by inserting after section 80E the
267 following section:-

268 Section 80E½. Whoever puts an animal to death by drowning shall be punished by
269 imprisonment in the state prison for not more than 7 years in state prison or imprisonment in a
270 jail or house of correction for not more than 2½ years, by a fine of not more than \$5,000 or by
271 both such fine and imprisonment for a first offense and punished by imprisonment in the state

272 prison for not more than 10 years, by a fine of not more than \$10,000 or by both such fine and
273 imprisonment for a second or any subsequent offense.

274 SECTION 26. Section 80H of chapter 272 of the General Laws, as so appearing, is
275 hereby amended by striking out, in line 5, the words “fifty dollars” and inserting in place thereof
276 the following words:- “\$100 for a first offense or not more 10 days in a house of corrections and
277 a fine of \$500 and the cost of medical expenses, not to exceed \$2,500, imprisonment in a house
278 of correction for not more than 6 months or both such fine and cost and imprisonment for a
279 second and subsequent offense. Nothing in this section shall preclude a civil cause of action
280 including, but not limited to medical expenses, by the aggrieved party.

281 SECTION 27. Section 91 of said chapter 272, as so appearing, is hereby amended by
282 striking out, in line 3, the words “district court” and inserting in place thereof the following
283 words:- court having jurisdiction over the offense.

284 SECTION 28. Said section 91 of said chapter 272, as so appearing, is hereby further
285 amended by striking out the second, third and fourth sentences and inserting in place thereof the
286 following 2 sentences:- If after a hearing on the application, notice thereof having been
287 previously given as the court orders, it shall be found that the animals, at the time of seizure,
288 were engaged in or were intended to be engaged in fighting at an exhibition thereof or the
289 animals were owned, possessed, kept, trained, bred, loaned, sold, exported or otherwise
290 transferred in violation of section 94, such animals shall be adjudged forfeited. A forfeited
291 animal shall be individually assessed by the organization to which it is forfeited to determine the
292 animal’s suitability for adoption or the organization shall transfer it to another organization or for
293 another disposition.

294 SECTION 29. Section 104 of said chapter 272, as so appearing, is hereby amended by
295 inserting after the figure “77”, in line 6, the following figure:- , 77C.

296 SECTION 30. Section 58A of chapter 276 of the General Laws is hereby amended by
297 inserting after the figure “269”, in line 23, as so appearing, the following words:- , section 112 of
298 chapter 266 or section 77 or 94 of chapter 272.

299 SECTION 31. There shall be a special commission established pursuant to section 2A of
300 chapter 4 of the General Laws to study and report on the feasibility and cost of mandating that
301 employees and contractors of the department of children and families, employees and contractors
302 of the department of elder affairs and investigators for the disabled persons protection
303 commission report known or suspected animal cruelty, abuse and neglect, and of mandating that
304 animal control officers appointed pursuant to section 151 of chapter 140 of the General Laws
305 report known or suspected abuse of children and elderly and disabled persons. The commission
306 shall consist of: the house and senate chairs of the joint committee on children, families and
307 persons with disabilities, who shall serve as co-chairs; the house and senate chairs of the joint
308 committee on elder affairs; the house and senate chairs of the joint committee on municipalities
309 and regional government; the house and senate chairs of the joint committee on environment,
310 natural resources and agriculture; the commissioner of the department of agricultural resources
311 or a designee; 1 commissioner of the disabled persons protection commission or a designee; the
312 secretary of health and human services or a designee; the attorney general or a designee; 1
313 member of the house who shall be appointed by the minority leader; 1 member of the senate who
314 shall be appointed by the minority leader; and 1 representative of each of the following: the
315 MSPCA-Angell, the Animal Rescue League of Boston, the Animal Control Officers Association
316 of Massachusetts and the Massachusetts Municipal Police Coalition.

317 The commission shall: (i) estimate the potential costs associated with training employees
318 and contractors of the department of children and families and the department of elder affairs and
319 investigators of the disabled persons protection commission to recognize and report animal
320 cruelty, abuse and neglect; (ii) estimate the potential costs associated with training animal control
321 officers to recognize and report the abuse of children and elderly and disabled persons; (iii)
322 estimate any anticipated increase in reporting of abuse of animals, children and elderly and
323 disabled persons; (iv) identify any potential challenges, conflicts of interest or interference with
324 primary job responsibilities agency and municipal personnel might encounter as a result of their
325 expanded reporting obligations; (v) identify any necessary modifications to existing rules,
326 regulations, by-laws or ordinances; and (vi) conduct a review of other states that have passed
327 comparable mandated reporting laws. The commission shall submit a report of its findings and
328 make recommendations, including any proposed legislation, with the clerks of the house of
329 representatives and the senate not later than March 1, 2019.

330 SECTION 32. An insurance company offering homeowners insurance coverage or
331 renters insurance coverage that issues a policy or contract insuring against liability for injury to a
332 person or injury to or destruction of property arising out of the ownership or lease of residential
333 property shall, for any claim involving a dog-related incident, record circumstances relating to
334 the incident, including but not limited to:

335 a) If the perceived breed is noted on the claim and whether the determination of
336 breed was based on visual identification or other methods;

337 b) The sex of the dog;

- 338 c) Whether at the time of the incident, the person or animal who was injured
339 attacked or threatened by the dog had breached an enclosure or structure in which the dog was
340 kept apart from the public and such person or animal was not authorized by the owner of the
341 premises to be within such enclosure including, but not limited to, a gated, fenced-in area if the
342 gate was closed, whether locked or unlocked;
- 343 d) For what purpose the person or animal who was injured attacked or threatened by
344 the dog was on the property, including but not limited to, a resident, invitee, licensee, trespasser
345 or other status;
- 346 e) Whether the dog was on a leash at the time of the incident; whether the incident
347 occurred indoors or outdoors;
- 348 f) Whether the person injured by the dog was engaged in teasing, tormenting,
349 battering, assaulting, injuring or otherwise provoking the dog;
- 350 g) The age and behavior of the victim when the incident occurred;
- 351 h) The exact location of the dog and the victim prior to the incident;
- 352 i) Whether the incident occurred on the owner's property or elsewhere;
- 353 j) Any training or past behavior evaluations of the dog;
- 354 k) Whether the dog was declared dangerous by any municipality in Massachusetts;
- 355 l) Whether the person who was injured by the dog was committing a crime upon the
356 person or property of the owner or keeper of the dog;
- 357 m) Whether the dog was spayed or neutered;

358 n) And whether the dog was protecting or defending itself, its offspring, another
359 domestic animal or a person from attack or assault.

360 This information shall be collected commencing on January 1, 2019 and shall be reported
361 annually to the Massachusetts Division of Insurance, the clerks of the senate and house of
362 representatives, the house and senate chairs of the joint committee on financial services, and the
363 house and senate committees on ways and means on or before January 1 each year thereafter for
364 three years with the last report to be filed on or before January 1, 2022.