

SENATE No. 997

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>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>1/25/2019</i>
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>	<i>2/1/2019</i>

SENATE No. 997

By Mr. Moore, a petition (accompanied by bill, Senate, No. 997) of Michael O. Moore, Timothy R. Whelan and Jonathan D. Zlotnik for legislation to update hunter harassment laws. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

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 SECTION 1. Chapter 131 of the General Laws, as so appearing in the 2016 Official
2 Edition, is hereby amended by striking out Section 5C and inserting in place thereof the
3 following section:-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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