

SENATE No. 2285

The Commonwealth of Massachusetts

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In the One Hundred and Ninetieth General Court
(2017-2018)
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SENATE, Monday, February 5, 2018

The committee on Municipalities and Regional Government to whom was referred the petition (accompanied by bill, Senate, No. 1145) of Mark C. Montigny, Jack Lewis, James B. Eldridge, Lori A. Ehrlich and other members of the General Court for legislation to enhance the issuance of citations for cruel conditions for animals, - reports the accompanying bill (Senate, No. 2285).

For the committee,
Michael O. Moore

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**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 174E of chapter 140 of the General Laws, as appearing in the 2016 Official
2 Edition, is hereby amended by striking subsections (g) and (h) and inserting in place thereof the
3 following 4 subsections:-

4 (g) No person owning or keeping a farm animal, as defined under 9 C.F.R. §1.1 (2016),
5 shall subject the farm animal to cruel conditions. For the purposes of this subsection “cruel
6 conditions” shall include, but not be limited to, the following:

7 (1) filthy confinement conditions including, but not limited to, exposure to excessive
8 animal waste, non-potable water, unsanitary food; or

9 (2) unsafe confinement conditions including, but not limited to, exposure to dangerous
10 objects that could injure or kill a farm animal upon contact or failure to provide protection from
11 adverse wind and weather elements by providing, at a minimum, a structurally-sound, three-

12 sided shelter from October 1 to April 1 and by providing, at a minimum, sufficient shade during
13 the remaining months of the year.

14 (h) A person who violates this section shall, for a first offense, be issued a written
15 warning or punished by a fine of not more than \$50, for a second offense, be punished by a fine
16 of not more than \$200 and for a third or subsequent offense, be punished by a fine of not more
17 than \$500, and, in the case of a dog, be subject to impoundment of said dog in a local shelter at
18 the owner's, keeper's or guardian's expense pending compliance with this section, or loss of
19 ownership of the dog.

20 (i) A special police officer appointed by the colonel of the state police at the request of
21 the Massachusetts Society for the Prevention of Cruelty to Animals and the Animal Rescue
22 League of Boston under section 57 of chapter 22C may enforce this section following the same
23 procedures relating to notice and court procedure in section 21D of chapter 40 for the non-
24 criminal disposition of a violation, if an animal control officer contacted by either of these
25 agencies in response to a violation of this section is unresponsive or unavailable.

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