

ANIMAL PROTECTION LAWS OF MASSACHUSETTS



Animal Protection Laws of Massachusetts

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This chapter contains Massachusetts’s general animal protection and related statutes with an effective date on or before September 1, 2019. It begins with a detailed overview of the provisions contained in these laws, followed by the full text of the statutes themselves. The various provisions are organized into categories with the relevant part of each statute italicized.

Massachusetts may employ similar provisions within other non-animal-specific criminal and civil statutes; may have other more specific statutes in addition to those included; and may have a variety of animal-related regulations in effect. Because the law is continually evolving, always review an official source for the most current language of any statute.

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MASSACHUSETTS

1. <u>DEFINITION OF "ANIMAL"</u>	-----
2. <u>GENERAL CRUELTY</u> *	<p>Persons authorized to take animals shall not kill an animal by drowning. MASS. GEN. LAWS ch. 131 § 19B <i>1st offense: 7 years imprisonment and/or \$5,000 fine</i> <i>Subsequent offenses: 10 years imprisonment and/or \$10,000 fine</i></p> <p>Definitions MASS. GEN. LAWS ch. 140 § 136A</p> <p>Tethering dog to stationary object. MASS. GEN. LAWS ch. 140, § 174E <i>1st offense: \$50 fine</i> <i>2nd offense: \$200 fine</i> <i>Subsequent offenses: \$500 fine and impoundment pending compliance</i></p> <p>Landlords must inspect vacated property for abandoned animals within 3 days. MASS. GEN. LAWS ch. 186 § 30 <i>1st offense: \$500 fine</i> <i>Subsequent offenses: \$1,000 fine</i></p> <p>Willful and malicious injury to animals of another person MASS. GEN. LAWS ch. 266, § 112 <i>1st offense: 2.5 years house of corrections or 7 years imprisonment and/or \$5,000 fine</i> <i>Subsequent offenses: 10 years imprisonment and/or \$10,000 fine</i></p> <p>Cruelty to animals MASS. GEN. LAWS ch. 272, § 77 <i>1st offense: 2.5 years house of corrections or 7 years imprisonment and/or \$5,000 fine</i> <i>Subsequent offenses: 10 years imprisonment and/or \$10,000 fine</i></p> <p>Willfully injuring police dogs and horses.</p>

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MASS. GEN. LAWS ch. 272, § 77A

2.5 years imprisonment and/or \$5,000 fine

Corporations violating animal cruelty laws are punishable by fine, and are liable for knowledge and acts of agents

MASS. GEN. LAWS ch. 272 § 79

Devocalization of dogs and cats prohibited.

MASS. GEN. LAWS ch. 272, § 80 1/2

2.5 years house of corrections or 5 years imprisonment and/or \$2,500 fine

Taking a cat, dog or bird to subject it to experiment or mutilation

MASS. GEN. LAWS ch. 272 § 80C

Minimum fine: \$100; maximum fine: fine applicable under larceny statute

Selling fowl under 2 months, or selling dyed rabbits, chickens or ducklings

MASS. GEN. LAWS ch. 272 § 80D

\$100 fine

Putting an animal to death by decompression chamber

MASS. GEN. LAWS ch. 272 § 80E

\$100 fine

Putting an animal to death by drowning

MASS. GEN. LAWS ch. 272 § 80E ½

1st offense: 7 years imprisonment and/or \$5,000 fine

Subsequent offenses: 10 years imprisonment and/or \$10,000 fine

Experiments on live vertebrates in elementary or high schools

MASS. GEN. LAWS ch. 272 § 80G

\$100 fine

Striking and injuring/killing a cat or dog with a motor vehicle

MASS. GEN. LAWS ch. 272 § 80H

1st offense: 10 days in house of corrections and/or \$100 fine

Subsequent offenses: 6 months in a house of correction and/or \$500 fine and the cost of medical expenses, not to exceed \$2,500

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	<p>Animals transported over 28 hours must be unloaded for rest, water, and feeding MASS. GEN. LAWS ch. 272 § 81</p> <p>Keeping birds to shoot at MASS. GEN. LAWS ch. 272 § 87 <i>One month imprisonment and/or \$50 fine</i></p>
<p>3. <u>EXEMPTIONS</u></p>	<p>Other MASS. GEN. LAWS ch. 272, § 77</p> <p>Veterinary practice, accepted animal husbandry practices, other MASS. GEN. LAWS ch. 272 § 77C</p>
<p>4. <u>FIGHTING & RACKETEERING</u></p>	<p>Procedural matters relating to search warrant, entry without a warrant, and seizure of animals located in the seizure section of this document.</p> <p>Procedural matters relating to forfeiture and expenses of care located in the forfeiture & possession bans section of this document.</p> <p>Various animal fighting activities MASS. GEN. LAWS ch. 272, § 94 <i>1 year in house of corrections or 5 years imprisonment and/or \$1,000 fine</i></p> <p>Penalty for being present at an exhibition MASS. GEN. LAWS ch. 272, § 95 <i>2 ½ years in house of corrections or 5 years imprisonment and/or \$1,000 fine</i></p>
<p>5. <u>SEXUAL ASSAULT</u></p>	<p>Sexual assault of an animal is a sex offense MASS. GEN. LAWS ch. 6 § 178C</p> <p>“Crime against nature” MASS. GEN. LAWS ch. 272, § 34 <i>20 years imprisonment</i></p> <p>Sexual contact with an animal MASS. GEN. LAWS ch. 272 § 77C <i>1st offense: 7 years imprisonment and/or \$2,500 fine</i></p>

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	<i>Subsequent offenses: 10 years imprisonment and/or \$10,000 fine</i>
<p>6. <u>MAXIMUM PENALTIES & STATUTE OF LIMITATIONS**</u></p>	<p>NOTE: All penalties are defined in the substantive statutes, available in the General Cruelty, Fighting and Racketeering, and Sexual Assault sections of this document.</p> <p>Classification of crimes MASS. GEN. LAWS ch. 274 § 1</p> <p>Statute of Limitations <i>Misdemeanor and felony: 6 years</i> MASS. GEN. LAWS ch. 277 § 63</p>
<p>7. <u>CROSS ENFORCEMENT & REPORTING</u></p>	<p>Animal control officers must report suspected elder abuse MASS. GEN. LAWS ch. 19A § 15</p> <p>Those investigating suspected elder abuse may report suspected animal abuse MASS. GEN. LAWS ch. 19A § 42</p> <p>Animal control officers must report suspected abuse of disabled persons MASS. GEN. LAWS ch. 19C § 1</p> <p>Those investigating suspected abuse of disabled persons may report suspected animal abuse MASS. GEN. LAWS ch. 19C § 14</p> <p>Animal control officers are mandatory reporters for child abuse MASS. GEN. LAWS ch. 119 § 21</p> <p>Employees of the Department of Social Services may report animal abuse they reasonably suspect in the course of their professional capacity or within the scope of their employment. A person making such a report in good faith is immune from civil or criminal action. MASS. GEN. LAWS ch. 119, § 85</p>

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<p>8. <u>VETERINARIAN REPORTING & IMMUNITY</u></p>	<p>A registered veterinarian who reports, in good faith and in the normal course of business, a suspected act of cruelty to animals is not liable in a civil or criminal action for reporting such act. MASS. GEN. LAWS ch. 112, § 58B</p> <p>A veterinarian who, while in the normal course of business, observes an animal whom such veterinarian knows or reasonably suspects has been a victim of animal cruelty shall report said suspected animal cruelty to a police officer or special state police officer appointed under section 57 of chapter 22C. MASS. GEN. LAWS ch. 112, § 58B</p> <p>Any veterinarian who fails to report animal cruelty shall be reported to the board of registration in veterinary medicine. MASS. GEN. LAWS ch. 112, § 58B</p>
<p>9. <u>LAW ENFORCEMENT POLICIES</u></p>	<p>Humane agents may be appointed special state police officers and may make arrests for animal cruelty. MASS. GEN. LAWS ch. 22C § 57</p> <p>A person found violating cruelty statute may be arrested with or without a warrant. MASS. GEN. LAWS ch. 272, § 82</p> <p>Sheriffs, deputy sheriffs, constables and police officers shall prosecute all violations of sections seventy-seven to eighty-one. MASS. GEN. LAWS ch. 272, § 84</p>
<p>10. <u>SEIZURE</u></p>	<p>Person making arrest shall care and provide for animals until owner takes charge of them. MASS. GEN. LAWS ch. 272, § 82</p> <p>Search warrants shall be issued for reasonable cause to any sheriff, deputy sheriff, constable, or police officer. MASS. GEN. LAWS ch. 272, § 83</p> <p>Search warrants shall be issued for reasonable cause that an animal fight is being prepared or in progress. MASS. GEN. LAWS ch. 272, § 88</p>

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	<p>Various law enforcement officer and animal control officers may make entry without a warrant to any place in which an animal fight is occurring, or in which preparations are being made, and arrest all persons there and seize involved animals. <i>MASS. GEN. LAWS ch. 272, § 89</i></p> <p>A show cause hearing shall be given to any person claiming an interest in a seized animal. <i>MASS. GEN. LAWS ch. 272, § 104(a),(b)</i></p>
<u>11. COURTROOM ANIMAL ADVOCATE PROGRAM</u>	-----
<u>12. PROTECTION ORDERS†</u>	<i>MASS. GEN. LAWS ch. 209A, § 11</i>
<u>13. RESTITUTION †</u>	<p>Costs of care is a lien. <i>MASS. GEN. LAWS ch. 272, § 82</i></p> <p>Court may order the posting of a security for costs of care of an impounded animal. <i>MASS. GEN. LAWS ch. 272, § 104(c-f)</i></p>
<u>14. FORFEITURE & POSSESSION BANS †</u>	<p>Upon conviction, court shall order an abused animal forfeited. <i>MASS. GEN. LAWS ch. 272, § 77</i></p> <p>Anyone convicted of sexual contact with an animal must forfeit the animal and may not work with animals, own/possess any animals, or reside in a household where animals are present for a period of time deemed reasonable by the court, at least 5 years after the person is released. <i>MASS. GEN. LAWS ch. 272 § 77C</i></p> <p>Anyone who devocalizes a dog or cat must either complete humane education course or be barred from owning a dog or cat for a period of time determined by the court. <i>MASS. GEN. LAWS ch. 272, § 80 1/2</i></p> <p>A court may order seized animals used for animal fighting forfeited. <i>MASS. GEN. LAWS ch. 272, § 91</i></p>

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	<p>A forfeiture order for animals used in fighting may be appealed within 24 hours of judgment entry. <i>MASS. GEN. LAWS ch. 272, § 92</i></p> <p>The costs of care and destruction of animals used for fighting may be allowed and paid in the same manner as expenses for other criminal prosecutions. <i>MASS. GEN. LAWS ch. 272, § 93</i></p> <p>The court shall order the forfeiture of a seized animal if the security for costs of care is not posted as ordered; the animal may be humanely disposed of at the end of the period for which expenses are covered by the security if so ordered by the court. <i>MASS. GEN. LAWS ch. 272, § 104(f-h)</i></p>
15. <u>COURT-ORDERED TREATMENT</u>[†]	<p>Anyone who devocalizes a dog or cat must either complete humane education course or be barred from owning a dog or cat for a period of time determined by the court. <i>MASS. GEN. LAWS ch. 272, § 80 1/2</i></p>
16. <u>HOT CARS</u>	<p>Confining animal in vehicle in extreme weather prohibited. Immunity for removing animal from vehicle. <i>MASS. GEN. LAWS ch. 140, § 174F</i></p>
17. <u>CIVIL NUISANCE ABATEMENT</u>	-----
18. <u>AG-GAG LAWS</u>	-----
19. <u>BREED SPECIFIC LEGISLATION</u>	-----

- * States may have other more specific statutes in addition to the general animal protection statutes referenced in this table.
- ** Despite statutory maximums, states often employ sentencing guidelines that may significantly alter the allowable sentence.
- † This table generally references only those provisions that are within each state's animal protection statutes. States may employ similar provisions within other non-animal-specific criminal and civil statutes, and may also have a variety of animal-related regulations in effect.

ANIMAL PROTECTION LAWS OF MASSACHUSETTS

1. DEFINITION OF “ANIMAL”

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2. GENERAL CRUELTY

MASS. GEN. LAWS ch. 131 § 19B. Transporting mammals for purpose of euthanasia; putting animal to death by drowning prohibited.

Any person authorized under section 4 to take and possess mammals may transport them within the commonwealth for the purpose of euthanasia.

A person authorized under this chapter to take and possess birds, reptiles, amphibians or mammals shall not put an animal to death by the use of drowning. Any such person who intentionally or knowingly puts an animal to death by the use of drowning shall, for a first offense, be punished by imprisonment in the state prison for not more than 7 years or in a jail or house of correction for not more than 2 ½ years, by a fine of not more than \$5,000 or by both such fine and imprisonment and, for a second or subsequent offense, by imprisonment in the state prison for not more than 10 years, by a fine of not more than \$10,000 or by both such fine and imprisonment.

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

MASS. GEN. LAWS ch. 140 § 136A. Definitions applicable to Secs. 137 to 174F.

The following words as used in sections 137 to 174F, inclusive, shall have the following meanings unless the context requires otherwise:

“Adoption”, the delivery of a cat or dog to a person 18 years of age or older for the purpose of taking care of the dog or cat as a pet.

“Animal control officer”, an appointed officer authorized to enforce sections 136A to 174F, inclusive.

“Attack”, aggressive physical contact initiated by an animal.

“Commercial boarding or training kennel”, an establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the

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absence of the owner of any such animal; provided, however, that “commercial boarding or training kennel” shall not include an animal shelter or animal control facility, a pet shop licensed under section 39A of chapter 129, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.

“Commercial breeder kennel”, an establishment, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers or pet shops in return for consideration.

“Commissioner”, the commissioner of agricultural resources.

“Dangerous dog”, a dog that either: (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.

“Department”, the department of agricultural resources.

“Domestic animal”, an animal designated as domestic by regulations promulgated by the department of fish and game.

“Domestic charitable corporation kennel”, a facility operated, owned or maintained by a domestic charitable corporation registered with the department or an animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals, including a veterinary hospital or clinic operated by a licensed veterinarian, which operates consistent with such purposes while providing veterinary treatment and care.

“Euthanize”, to take the life of an animal by the administration of barbiturates in a manner deemed acceptable by the American Veterinary Medical Association Guidelines on Euthanasia.

“Hearing authority”, the selectmen of a town, mayor of a city, the officer in charge of the animal commission, the chief or commissioner of a police department, the chief or commissioner's designee or the person charged with the responsibility of handling dog complaints in a town or city.

“Keeper”, a person, business, corporation, entity or society, other than the owner, having possession of a dog.

“Kennel”, a pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

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“License period”, the period of time for which a municipal licensing authority prescribes the validity of a dog license, including the date of issuance of the license through the date on which the license expires, inclusive.

“Licensing authority”, the police commissioner of the city of Boston and the clerk of any other municipality.

“Livestock or fowl”, a fowl or other animal kept or propagated by the owner for food or as a means of livelihood, deer, elk, cottontail rabbit, northern hare, pheasant, quail, partridge and other birds and quadrupeds determined by the department of fisheries, wildlife and environmental law enforcement to be wild and kept by, or under a permit from, the department in proper houses or suitable enclosed yards; provided, however, that “livestock or fowl” shall not include a dog, cat or other pet.

“Nuisance dog”, a dog that: (i) by excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity; or (ii) by excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment; or (iii) has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.

“Personal kennel”, a pack or collection of more than 4 dogs, 3 months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the department, may be sold, traded, bartered or distributed if the transfer is not for profit.

“Research institution”, an institution operated by the United States, the commonwealth or a political subdivision thereof, a school or college of medicine, public health, dentistry, pharmacy, veterinary medicine or agriculture, a medical diagnostic laboratory, a biomedical corporation, or biological laboratory or a hospital or other educational or scientific establishment within the commonwealth above the rank of secondary school which, in connection with any of the activities thereof, investigates or provides instruction relative to the structure or function of living organisms or to the cause, prevention, control or cure of diseases or abnormal conditions of human beings or animals.

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“Shelter”, a public animal control facility or other facility which is operated by an organization or individual for the purpose of protecting animals from cruelty, neglect or abuse.

“Veterinary kennel”, a veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment or care; provided, however, that “veterinary kennel” shall not include a hospital or clinic used solely to house dogs that have undergone veterinary treatment or observation or will do so only for the period of time necessary to accomplish that veterinary care.

MASS. GEN. LAWS ch. 140 § 174E. Chaining or tethering dog to station object; confinement; restrictions; penalty.

- (a) *No person owning or keeping a dog shall chain or tether a dog for longer than 5 hours in a 24-hour period and outside from 10:00 p.m. to 6:00 a.m., unless the tethering is for not more than 15 minutes and the dog is not left unattended by the owner, guardian or keeper. A tethering employed shall not allow the dog to leave the owner's, guardian's or keeper's property. The tether shall be designed for dogs and no logging chains or other lines or devices not designed for tethering dogs shall be used. No chain or tether shall weigh more than 1/8 of the dog's body weight. Nothing in this section shall be construed to prohibit a person from walking a dog on a hand-held leash. No dog under the age of 6 months shall be tethered outside for any length of time.*
- (b) A person owning or keeping a dog may confine such dog outside, subject to the restrictions in this section, through the use of any of the following methods:
- (1) inside a pen or secure enclosure, if the following conditions are met:
 - i. the pen or secure enclosure shall have adequate space for exercise with a dimension of at least 100 square feet; provided, however, that commercial dog kennels with pens intended for the temporary boarding of dogs shall be exempt from this requirement;
 - ii. the pen or secure enclosure is constructed with chain link or other similar material as determined by the Building Inspector, with all 4 sides enclosed; and
 - iii. the minimum height of the fence shall be adequate to successfully confine the dog;
 - (2) a fully fenced, electronically fenced or otherwise securely enclosed yard, wherein a dog has the ability to run but is unable to leave the enclosed yard; or
 - (3) a trolley system or a tether attached to a pulley in a cable run, if the following conditions are met:
 - i. only 1 dog shall be tethered to each cable run;
 - ii. the tether shall be attached to a properly fitting collar or harness worn by the dog, with enough room between the collar and the dog's throat through which 2 adult fingers may fit; provided, however, that a choke collar and a pinch collar shall not be used to tether a dog to a cable run;

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- iii. there shall be a swivel on at least 1 end of the tether to minimize tangling of the tether;
 - iv. the tether and cable run must each be at least 10 feet in length. The cable must be mounted at least 4 feet but not more than 7 feet above ground level; and
 - v. the length of the tether from the cable run to the dog's collar or harness shall allow continuous access to clean water and appropriate shelter at all times as described in subsection (c); provided, however, that a trolley system or tether shall be of appropriate configuration to confine the dog to the owner's, guardian's or keeper's property, to prevent the trolley system or tether from extending over an object to an edge that could result in injury to or strangulation of the dog and to prevent the trolley system or tether from becoming tangled with other object or animals.
- (c) A person owning or keeping a dog confined outside in accordance with subsection (b) shall provide the dog with access to clean water and appropriate dog shelter. The dog shelter shall allow the dog to remain dry and protected from the elements and shall be fully enclosed on at least 3 sides, roofed and have a solid floor. The entrance to the shelter shall be flexible to allow the dog's entry and exit, and sturdy enough to block entry of weather elements. The shelter shall contain clean bedding and shall be small enough to retain the dog's body heat and large enough to allow the dog to stand, lie down and turn comfortably. The enclosure shall be structurally sound and in good repair. Suitable drainage shall be provided so that water, ice or waste is not standing in or around the shelter.
- (d) A person shall not leave a dog outside when a weather advisory, warning or watch is issued by a local, state or federal authority or when outside environmental conditions including, but not limited to, extreme heat, cold, wind, rain, snow or hail pose an adverse risk to the health or safety of the dog based on the dog's breed, age or physical condition, unless the tethering is for not more than 15 minutes.
- (e) An exception to a restriction on outdoor confinement under this section that is reasonably necessary for the safety of a dog shall be made for a dog that is: (i) present in a camping or recreational area pursuant to the policy of the camping or recreational area; or (ii) actively engaged in conduct that is directly related to the business of shepherding or herding cattle or other livestock or engaged in conduct that is directly related to the business of cultivating agricultural products.
- (f) *No person owning or keeping a dog shall subject the dog to cruel conditions or inhumane chaining or the tethering at any time.* For the purposes of this subsection, *“cruel conditions and inhumane chaining or tethering” shall include, but not be limited to, the following conditions:*
- (1) *filthy and dirty confinement conditions including, but not limited to, exposure to excessive animal waste, garbage, dirty water, noxious odors, dangerous objects that could injure or kill a dog upon contact or other circumstances that could cause harm to a dog's physical or emotional health;*
 - (2) *taunting, prodding, hitting, harassing, threatening or otherwise harming a*

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tethered or confined dog; and

- (3) *subjecting a dog to dangerous conditions, including attacks by other animals.*
- (g) *A person who violates this section shall, for a first offense, be issued a written warning or punished by a fine of not more than \$50, for a second offense, be punished by a fine of not more than \$200 and for a third or subsequent offense, be punished by a fine of not more than \$500, and be subject to impoundment of the dog in a local shelter at the owner's, keeper's or guardian's expense pending compliance with this section, or loss of ownership of the dog.*
- (h) *A special police officer appointed by the colonel of the state police at the request of the Massachusetts Society for the Prevention of Cruelty to Animals and the Animal Rescue League of Boston under section 57 of chapter 22C may enforce this section following the same procedures relating to notice and court procedure in section 21D of chapter 40 for the non-criminal disposition of a violation, if an animal control officer contacted by either of these agencies in response to a violation of this section is unresponsive or unavailable.*
- (i) *A city or town shall enforce this section through its animal control officers or police officers in a manner consistent with the disposition provisions in section 21D of chapter 40.*

MASS. GEN. LAWS ch. 186 § 30. Inspection of vacated property for presence of abandoned animals

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

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

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

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

If the property owner, lessor or designee fails to comply with this section, the lessor or property owner shall be subject to a civil penalty of not more than \$500 for a first offense and not more than \$1,000 for a second or subsequent offense. Funds collected under this section shall be

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deposited into the Homeless Animal Prevention and Care Fund established in section 35WW of chapter 10.

MASS. GEN. LAWS ch. 266, § 112. Domestic animals; malicious killing or injury.

Whoever wilfully and maliciously kills, maims or disfigures any horse, cattle or other animal of another person, or wilfully and maliciously administers or exposes poison with intent that it shall be taken or swallowed by any such animal, shall be punished by imprisonment in the state prison for not more than 7 years in state prison or imprisonment in the house of correction for not more than 2 1/2 years or by a fine of not less than \$5,000 or by both fine and imprisonment; provided, however, that a second or subsequent offense shall be punished by imprisonment in the state prison for not more than 10 years or by a fine of not more than \$10,000 or by both such fine and imprisonment.

MASS. GEN. LAWS ch. 272, § 77. Cruelty to Animals.

Whoever overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates or kills an animal, or causes or procures an animal to be overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten, mutilated or killed; and whoever uses in a cruel or inhuman manner in a race, game, or contest, or in training therefor, as lure or bait a live animal, except an animal if used as lure or bait in fishing; and whoever, having the charge or custody of an animal, either as owner or otherwise, inflicts unnecessary cruelty upon it, or unnecessarily fails to provide it with proper food, drink, shelter, sanitary environment, or protection from the weather, and whoever, as owner, possessor, or person having the charge or custody of an animal, cruelly drives or works it when unfit for labor, or willfully abandons it, or carries it or causes it to be carried in or upon a vehicle, or otherwise, in an unnecessarily cruel or inhuman manner or in a way and manner which might endanger the animal carried thereon, or knowingly and willfully authorizes or permits it to be subjected to unnecessary torture, suffering or cruelty of any kind shall be punished by imprisonment in the state prison for not more than 7 years in state prison or imprisonment in the house of correction for not more than 2 1/2 years or by a fine of not more than \$5,000 or by both fine and imprisonment; provided, however, that a second or subsequent offense shall be punished by imprisonment in the state prison for not more than 10 years or by a fine of not more than \$10,000 or by both such fine and imprisonment. Notwithstanding section 26 of chapter 218 or any other general or special law to the contrary, the district courts and the divisions of the Boston municipal court department shall have original jurisdiction, concurrent with the superior court, of a violation of this section.

In addition to any other penalty provided by law, upon conviction for any violation of this section or of sections 77A, 77C, 78, 78A, 79A, 79B, 80A, 80B, 80C, 80D, 80E, 80E ½, 80F, 86, 86A,

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86B or 94 the defendant shall forfeit to the custody of any society, incorporated under the laws of the commonwealth for the prevention of cruelty to animals or for the care and protection of homeless or suffering animals, the animal whose treatment was the basis of such conviction.

A person convicted of a crime of cruelty to an animal shall be prohibited from working in any capacity that requires such person to be in contact with an animal, including a commercial boarding or training establishment, shelter, animal control facility, pet shop, grooming facility, commercial breeder service, veterinary hospital or clinic or animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals.

MASS. GEN. LAWS ch. 272, § 77A. Willfully injuring police dogs and horses.

Whoever willfully tortures, torments, beats, kicks, strikes, mutilates, injures, disables or otherwise mistreats, a dog or horse owned by a police department or police agency of the commonwealth or any of its political subdivisions or whoever, willfully by any action whatsoever, interferes with the lawful performance of such dog or horse shall be punished by a fine of not less than one hundred dollars and not more than five hundred dollars or by imprisonment for not more than two and one-half years or both. Persons violating this section may be arrested without a warrant by any officer qualified to serve criminal process provided said offense is committed in his presence.

MASS. GEN. LAWS ch. 272 § 79. Violations by business entities of statutes relating to the treatment, care and protection of animals

A for-profit corporation, nonprofit corporation, business, professional corporation, partnership, limited liability company, limited partnership, limited liability partnership or any other business entity violating section 112 of chapter 266 or section 77, 77A, 77B, 78, 78A, 79A, 80 ½, 80A, 80B, 80C, 80D, 80E, 80E ½, 80F, 80G, 80H, 80I, 81, 85A, 85B, 87, 94 or 95 of this chapter shall be punished by a fine as therein provided, and shall be responsible for the knowledge and acts of its agents and servants relative to animals transported, owned or used by it or in its custody.

MASS. GEN. LAWS ch. 272, § 80 ½. Devocalization of dogs or cats; definitions; penalty; exceptions; records.

(a) For the purposes of this section, the following words shall have the following meanings:-

“Board”, the board of registration in veterinary medicine.

“Devocalization”, a procedure on the larynx or vocal cords of an animal which causes the reduction or elimination of vocal sounds produced by that animal.

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- (b) *Whoever performs, or causes to be performed, the surgical devocalization of a dog or cat shall be punished by imprisonment in the state prison for not more than 5 years or imprisonment in a house of correction for not more than 2 ½ years, or by a fine of not more than \$2,500 or by both such fine and imprisonment.* In addition to this penalty, the court may order that any person who violates this section shall successfully complete a course of instruction relative to the humane treatment of animals or be barred from owning or keeping a dog or cat or sharing a residence with another who owns or keeps a dog or cat for a period of time as determined by said court.
- (c) Subsection (b) shall not apply if:
- (1) the person performing such devocalization is licensed under section 55 of chapter 112; and
 - (2) surgical devocalization of a dog or cat is medically necessary to treat or relieve an illness, disease or injury or to correct a congenital abnormality that is causing or may cause the animal physical pain or harm; or
 - (3) the person who causes a devocalization procedure to be performed is relying upon the opinion of a person licensed under section 55 of chapter 112 that surgical devocalization of the dog or cat is medically necessary to treat or relieve an illness, disease or injury or to correct a congenital abnormality that is causing or may cause the animal physical pain or harm.
- (d) A veterinarian who performs a surgical devocalization procedure on a dog or cat shall keep a record of the procedure for a period of 4 years after the last contact with the animal. This record shall include: the name and address of the animal's owner; the name and address of the person from whom payment is received for the procedure; a description of the animal, including its name, species, breed, date of birth, sex, color, markings and current weight; the license number and municipality that issued the license for the animal; the date and time of the procedure; the reason the procedure was performed; and any diagnostic opinion, analysis or test results to support the diagnosis. These records shall be subject to audit by the board.

Any person who performs a devocalization procedure on a dog or cat shall report the number of all such procedures to the board annually on or before March 30. The board shall maintain all notices received under this subsection for 4 years from the date of receipt.

Records maintained under this subsection shall not be considered a public record, as defined in clause twenty-sixth of section 7 of chapter 4 or section 10 of chapter 66, and these records shall not be publicly disseminated.

- (e) The board shall, annually on or before March 1, report to the joint committee on the environment, natural resources and agriculture the number of animals that were the subject of devocalization notices received under subsection (d).
- (f) Whoever being licensed under section 55 of chapter 112 violates any provision of this section shall be subject to the suspension or revocation of such license under section 59 of said chapter 112 and 256 CMR 7.00.

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MASS. GEN. LAWS ch. 272 § 80C. Taking cat, dog or bird to exhibit it, subject it to experimentation or mutilation, or to sell it for such purposes; application of law

Whoever, without the consent of the owner, takes a cat, dog or bird, with intent to exhibit or cause it to be exhibited or to subject it or cause it to be subjected to experimentation or mutilation while alive, or with intent to sell it or cause it to be sold for the purpose of being exhibited or subjected to experimentation or mutilation as aforesaid, shall be punished by a fine of not less than one hundred dollars nor more than the maximum fine permitted by law for the larceny of an article of the same value as such cat, dog or bird. This section shall not apply to an institution acquiring a cat, dog or bird under the provisions of chapter forty-nine A.

MASS. GEN. LAWS ch. 272 § 80D. Living rabbits, baby chickens, ducklings or other fowl; sale, barter or gift.

No person shall sell, offer for sale, barter or give away as premiums living baby chickens, ducklings or other fowl under two months of age.

No person shall sell, offer for sale, barter, display or give away living rabbits, chickens, ducklings or other fowl which have been dyed, colored or otherwise treated so as to impart to them an artificial color.

Nothing in this section shall be construed to prohibit the sale or display of baby chickens, ducklings or other fowl under two months of age by breeders or stores engaged in the business of selling for purposes of commercial breeding and raising; provided, however, that prior to May first in any year, such ducklings may be sold or purchased only in quantities of twenty-four or more.

This section shall not prohibit, however, the sale or donation of such chickens, ducklings or fowl to schools for use in classroom instruction.

Whoever violates the provisions of this section shall be punished by a fine of not more than one hundred dollars.

MASS. GEN. LAWS ch. 272 § 80E. Putting animal to death by use of decompression chamber.

Whoever puts any animal to death by the use of a decompression chamber shall be punished by a fine of not less than one hundred dollars.

MASS. GEN. LAWS ch. 272 § 80E ½. Putting animal to death by drowning

Whoever puts an animal to death by drowning shall be punished by imprisonment in the state prison for not more than 7 years in state prison or imprisonment in a jail or house of correction for not more than 2 ½ years, by a fine of not more than \$5,000 or by both such fine and imprisonment for a first offense and punished by imprisonment in the state prison for not more

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

MASS. GEN. LAWS ch. 272 § 80G. Experiments on vertebrates; vivisection, dissection of animals; care.

No school principal, administrator or teacher shall allow any live vertebrate to be used in any elementary or high school under state control or supported wholly or partly by public money of the state as part of a scientific experiment or for any other purpose in which said vertebrates are experimentally medicated or drugged in a manner to cause painful reactions or to induce painful or lethal pathological conditions, or in which said vertebrates are injured through any other type of treatment, experiment or procedure including but not limited to anesthetization or electric shock, or where the normal health of said animal is interfered with or where pain or distress is caused.

No person shall, in the presence of a pupil in any elementary or high school under state control or supported wholly or partly by public money of the state, practice vivisection, or exhibit a vivisected animal. Dissection of dead animals or any portions thereof in such schools shall be confined to the class room and to the presence of pupils engaged in the study to be promoted thereby, and shall in no case be for the purpose of exhibition.

Live animals used as class pets or for purposes not prohibited in paragraphs one and two hereof in such schools shall be housed or cared for in a safe and humane manner. Said animals shall not remain in school over periods when such schools are not in session, unless adequate care is provided at all times.

The provisions of the preceding three paragraphs shall also apply to any activity associated with or sponsored by the school.

Whoever violates the provisions of this section shall be punished by a fine of not more than one hundred dollars.

MASS. GEN. LAWS ch. 272 § 80H. Motor vehicles; striking, injuring or killing dogs or cats.

The operator of a motor vehicle that strikes and injures or kills a dog or cat shall forthwith report such an accident to the owner or custodian of said dog or cat or to a police officer in the town wherein such accident has occurred. A violation of this section shall be punished by a fine of not more than \$100 for a first offense or not more 10 days in a house of corrections and a fine of \$500 and the cost of medical expenses, not to exceed \$2,500, imprisonment in a house of correction for not more than 6 months or both such fine and cost and imprisonment for a second and subsequent offense. Nothing in this section shall preclude a civil cause of action including, but not limited to medical expenses, by the aggrieved party.

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MASS. GEN. LAWS ch. 272 § 81. Rest, water and feed for transported animals; lien; liability for detention.

Railroad corporations shall not permit animals carried or transported by them to be confined in cars longer than twenty-eight consecutive hours without unloading them for at least five consecutive hours for rest, water and feeding, unless prevented by storm or accident. In estimating such confinement, the time during which the animals have been confined without such rest on connecting roads from which they are received shall be included. Animals so unloaded shall during such rest be properly fed, watered and sheltered by the owner or person having the custody of them, or, in case of his default, by the railroad corporation transporting them, at the expense of said owner or person in custody thereof. In such case the corporation shall have a lien upon such animals for food, care and custody furnished, and shall not be liable for such detention. A corporation, owner or custodian of such animals failing to comply with this section shall be punished by a fine of not less than one hundred nor more than five hundred dollars. This section shall not apply to animals carried in cars in which they can and do have proper food, water, space and opportunity for rest.

MASS. GEN. LAWS ch. 272 § 87. Keeping or using birds to be shot at; shooting them; permitting premises to be used for shooting

Whoever keeps or uses any live bird, to be shot at either for amusement or as a test of skill in marksmanship, or shoots at a bird kept or used as aforesaid, or is a party to such shooting, or lets any building, room, field or premises, or knowingly permits the use thereof, for the purpose of such shooting, shall be punished by a fine of not more than fifty dollars or by imprisonment for not more than one month, or both. Nothing herein contained shall apply to the shooting of wild game.

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3. EXEMPTIONS

MASS. GEN. LAWS ch. 272, § 77. Cruelty to Animals.

Whoever overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates or kills an animal, or causes or procures an animal to be overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten, mutilated or killed; and whoever uses in a cruel or inhuman manner in a race, game, or contest, or in training therefor, as lure or bait a live animal, *except an animal if used as lure or bait in fishing*; and whoever, having the charge or custody of an animal, either as owner or otherwise, inflicts unnecessary cruelty upon it, or unnecessarily fails to provide it with proper food, drink, shelter, sanitary environment, or protection from the weather, and whoever, as owner, possessor, or person having the charge or custody of an animal, cruelly drives or works it when unfit for labor, or willfully abandons it, or carries it or causes it to be carried in or upon a vehicle, or otherwise, in an unnecessarily cruel or inhuman manner or in a way and manner which might endanger the animal carried thereon, or knowingly and willfully authorizes or permits it to be subjected to unnecessary torture, suffering or cruelty of any kind shall be punished by imprisonment in the state prison for not more than 7 years in state prison or imprisonment in the house of correction for not more than 2 1/2 years or by a fine of not more than \$5,000 or by both fine and imprisonment; provided, however, that a second or subsequent offense shall be punished by imprisonment in the state prison for not more than 10 years or by a fine of not more than \$10,000 or by both such fine and imprisonment. Notwithstanding section 26 of chapter 218 or any other general or special law to the contrary, the district courts and the divisions of the Boston municipal court department shall have original jurisdiction, concurrent with the superior court, of a violation of this section.

In addition to any other penalty provided by law, upon conviction for any violation of this section or of sections 77A, 77C, 78, 78A, 79A, 79B, 80A, 80B, 80C, 80D, 80E, 80E ½, 80F, 86, 86A, 86B or 94 the defendant shall forfeit to the custody of any society, incorporated under the laws of the commonwealth for the prevention of cruelty to animals or for the care and protection of homeless or suffering animals, the animal whose treatment was the basis of such conviction.

A person convicted of a crime of cruelty to an animal shall be prohibited from working in any capacity that requires such person to be in contact with an animal, including a commercial boarding or training establishment, shelter, animal control facility, pet shop, grooming facility, commercial breeder service, veterinary hospital or clinic or animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals.

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MASS. GEN. LAWS ch. 272 § 77C. Sexual contact with animal.

- (a) For the purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:
 “Animal”, a living nonhuman mammal, bird, reptile, amphibian, fish or invertebrate.
 “Sexual contact”, (i) any act between a person and an animal that involves contact between the sex organs or anus of one and the mouth, anus or sex organs of the other; (ii) touching or fondling by a person of the sex organs or anus of an animal, either directly or through clothing, without a bona fide veterinary or animal husbandry purpose; (iii) any transfer or transmission of semen by the person upon any part of the animal; or (iv) the insertion, however slight, of any part of a person's body or any object into the vaginal or anal opening of an animal or the insertion of any part of the animal's body into the vaginal or anal opening of the person.
- (b) A person who willingly: (i) engages in sexual contact with an animal or advertises, offers, accepts an offer for, sells, transfers, purchases or otherwise obtains an animal with the intent that the animal be used for sexual contact; (ii) organizes, promotes, conducts or knowingly participates in as an observer an act involving sexual contact with an animal; (iii) causes, aids or abets another person to engage in sexual contact with an animal; (iv) knowingly permits sexual contact with an animal to be conducted on any premises under the person's control; (v) induces or otherwise entices a child younger than 18 years of age or a person with a developmental or intellectual disability, as defined in section 1 of chapter 123B, to engage in sexual contact with an animal or engages in sexual contact with an animal in the presence of a child younger than 18 years of age or a person with a developmental or intellectual disability; (vi) forces another person to engage in sexual contact with an animal; or (vii) disseminates photographs, videotapes or other depictions prohibited sexual contact with an animal shall, for a first offense, be punished by imprisonment in the state prison for not more than 7 years or by imprisonment in a jail or house of correction for not more than 2 ½ years, by a fine of not more than \$5,000 or by both such fine and imprisonment and, for a second or subsequent offense, by imprisonment in the state prison for not more than 10 years, by a fine of not more than \$10,000 or by both such fine and imprisonment.
- (c) Notwithstanding section 26 of chapter 218 or any other general or special law to the contrary, the district courts and the divisions of the Boston municipal court department shall have original jurisdiction, concurrent with the superior court, of a violation of this section.
- (d) Upon a conviction for a violation of this section and in addition to any other penalties as may be provided by law, the defendant shall forfeit the animal whose treatment was the basis of the conviction to the custody of an entity incorporated under the laws of the commonwealth for the prevention of cruelty to animals or for the care and protection of homeless or suffering animals.

Upon a conviction for a violation of this section, the defendant shall not: (i) work in any capacity that requires the person to be in contact with an animal, including a

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commercial boarding or training establishment, shelter, animal control facility, pet shop, grooming facility, commercial breeder service, veterinary hospital or clinic or animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals; or (ii) harbor, own, possess or exercise control over an animal, reside in a household where any animals are present or engage in an occupation, whether paid or unpaid, or participate in a volunteer position at any establishment where animals are present for any length of time that the court deems reasonable for the protection of all animals; provided, however, that the length of time shall not be less than 5 years after the person's release from custody.

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

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4. FIGHTING AND RACKETEERING

Procedural matters relating to search warrant, entry without a warrant, and seizure of animals located in [seizure](#).

Procedural matters relating to forfeiture and expenses of care located in [forfeiture & possession bans](#).

MASS. GEN. LAWS ch. 272, § 94. Owing, possessing or training fighting animals; establishing or promoting exhibition; loaning, selling or exporting fighting animals; owning or possessing animals for breeding fighting animals.

Whoever: (i) owns, possesses, keeps or trains any bird, dog or other animal, with the intent that it shall be engaged in an exhibition of fighting; (ii) establishes or promotes an exhibition of the fighting of any birds, dogs or other animals; (iii) loans, sells, exports or otherwise transfers any bird, dog or other animal for the purpose of animal fighting; or (iv) owns, possesses or keeps any bird, dog or other animal for the purpose of breeding such animal with the intent that its offspring be used for animal fighting shall be punished by imprisonment in the state prison for not more than 5 years or in the house of correction for not more than 1 year, or by a fine of not more than \$1,000 or by both such fine and imprisonment.

MASS. GEN. LAWS ch. 272, § 95. Penalty for Being Present at Exhibition, etc.

Whoever is present at any place, building or tenement where preparations are being made for an exhibition of the fighting of birds, dogs or other animals, with intent to be present at such exhibition, or is present at, aids in or contributes to such exhibition, shall be punished by a fine of not more than \$1,000 or by imprisonment in the state prison for not more than 5 years or imprisonment in the house of correction for not more than 2 ½ years or by both such fine and imprisonment.

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5. SEXUAL ASSAULT

MASS. GEN. LAWS ch. 6 § 178C. Definitions applicable to Secs. 178C to 178P.

As used in sections 178C to 178P, inclusive, the following words shall have the following meanings:--

“Agency”, an agency, department, board, commission or entity within the executive or judicial branch, excluding the committee for public counsel services, which has custody of, supervision of or responsibility for a sex offender as defined in accordance with this chapter, including an individual participating in a program of any such agency, whether such program is conducted under a contract with a private entity or otherwise. Each agency shall be responsible for the identification of such individuals within its custody, supervision or responsibility.

Notwithstanding any general or special law to the contrary, each such agency shall be certified to receive criminal offender record information maintained by the department for the purpose of identifying such individuals.

“Employment”, includes employment that is full-time or part-time for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year, whether compensated or uncompensated.

“Institution of higher learning”, a post secondary institution.

“Mental abnormality”, a congenital or acquired condition of a person that affects the emotional or volitional capacity of such person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes such person a menace to the health and safety of other persons.

“Predatory”, an act directed at a stranger or person with whom a relationship has been established, promoted or utilized for the primary purpose of victimization.

“Secondary addresses”, the addresses of all places where a sex offender lives, abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not a sex offender's primary address; or a place where a sex offender routinely lives, abides, lodges, or resides for a period of 4 or more consecutive or nonconsecutive days in any month and which is not a sex offender's permanent address, including any out-of-state address.

“Sentencing court”, the court that sentenced a sex offender for the most recent sexually violent offense or sex offense or the superior court if such sentencing occurred in another jurisdiction or the sex offender registry board to the extent permitted by federal law and established by the board's regulations.

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“Sex offender”, a person who resides, has secondary addresses, works or attends an institution of higher learning in the commonwealth and who has been convicted of a sex offense or who has been adjudicated as a youthful offender or as a delinquent juvenile by reason of a sex offense or a person released from incarceration or parole or probation supervision or custody with the department of youth services for such a conviction or adjudication or a person who has been adjudicated a sexually dangerous person under section 14 of chapter 123A, as in force at the time of adjudication, or a person released from civil commitment pursuant to section 9 of said chapter 123A, whichever last occurs, on or after August 1, 1981.

“Sex offender registry”, the collected information and data that is received by the department pursuant to sections 178C to 178P, inclusive, as such information and data is modified or amended by the sex offender registry board or a court of competent jurisdiction pursuant to said sections 178C to 178P, inclusive.

“*Sex offense*”, an indecent assault and battery on a child under 14 under section 13B of chapter 265; aggravated indecent assault and battery on a child under the age of 14 under section 13B ½ of said chapter 265; a repeat offense under section 13B ¾ of said chapter 265; indecent assault and battery on a mentally retarded person under section 13F of said chapter 265; indecent assault and battery on a person age 14 or over under section 13H of said chapter 265; rape under section 22 of said chapter 265; rape of a child under 16 with force under section 22A of said chapter 265; aggravated rape of a child under 16 with force under section 22B of said chapter 265; a repeat offense under section 22C of said chapter 265; rape and abuse of a child under section 23 of said chapter 265; aggravated rape and abuse of a child under section 23A of said chapter 265; a repeat offense under section 23B of said chapter 265; assault with intent to commit rape under section 24 of said chapter 265; assault of a child with intent to commit rape under section 24B of said chapter 265; kidnapping of a child under section 26 of said chapter 265; enticing a child under the age of 16 for the purposes of committing a crime under section 26C of said chapter 265; enticing a child under 18 via electronic communication to engage in prostitution, human trafficking or commercial sexual activity under section 26D of said chapter 265; trafficking of persons for sexual servitude under section 50 of said chapter 265; a second or subsequent violation of human trafficking for sexual servitude under section 52 of chapter 265; enticing away a person for prostitution or sexual intercourse under section 2 of chapter 272; drugging persons for sexual intercourse under section 3 of said chapter 272; inducing a minor into prostitution under section 4A of said chapter 272; living off or sharing earnings of a minor prostitute under section 4B of said chapter 272; second and subsequent adjudication or conviction for open and gross lewdness and lascivious behavior under section 16 of said chapter 272, but excluding a first or single adjudication as a delinquent juvenile before August 1, 1992; incestuous marriage or intercourse under section 17 of said chapter 272; disseminating to a minor matter harmful to a minor under section 28 of said chapter 272; posing or exhibiting a child in a state of nudity under section 29A of said chapter 272; dissemination of visual material of a child in a state of nudity or sexual conduct under section 29B of said chapter 272; possession of child pornography under section 29C of said chapter 272; unnatural and lascivious acts with a child under 16 under section 35A of said chapter 272;

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engaging in sexual contact with an animal under section 77C of said chapter 272; aggravated rape under section 39 of chapter 277; and any attempt to commit a violation of any of the aforementioned sections pursuant to section 6 of chapter 274 or a like violation of the laws of another state, the United States or a military, territorial or Indian tribal authority.

“Sex offense involving a child”, an indecent assault and battery on a child under 14 under section 13B of chapter 265; aggravated indecent assault and battery on a child under the age of 14 under section 13B ½ of said chapter 265; a repeat offense under section 13B ¾ of said chapter 265; rape of a child under 16 with force under section 22A of said chapter 265; aggravated rape of a child under 16 with force under section 22B of said chapter 265; a repeat offense under section 22C of said chapter 265; rape and abuse of a child under section 23 of said chapter 265; aggravated rape and abuse of a child under section 23A of said chapter 265; a repeat offense under section 23B of said chapter 265; assault of a child with intent to commit rape under section 24B of said chapter 265; kidnapping of a child under the age of 16 under section 26 of said chapter 265; enticing a child under the age of 16 for the purposes of committing a crime under section 26C of said chapter 265; enticing a child under 18 via electronic communication to engage in prostitution, human trafficking or commercial sexual activity under section 26D of said chapter 265; trafficking of persons for sexual servitude upon a person under 18 years of age under subsection (b) of section 50 of said chapter 265; inducing a minor into prostitution under section 4A of chapter 272; living off or sharing earnings of a minor prostitute under section 4B of said chapter 272; disseminating to a minor matter harmful to a minor under section 28 of said chapter 272; posing or exhibiting a child in a state of nudity under section 29A of said chapter 272; dissemination of visual material of a child in a state of nudity or sexual conduct under section 29B of said chapter 272; unnatural and lascivious acts with a child under 16 under section 35A of said chapter 272; aggravated rape under section 39 of chapter 277; and any attempt to commit a violation of any of the aforementioned sections pursuant to section 6 of chapter 274 or a like violation of the laws of another state, the United States or a military, territorial or Indian tribal authority.

“Sexually violent offense”, indecent assault and battery on a child under 14 under section 13B of chapter 265; aggravated indecent assault and battery on a child under the age of 14 under section 13B ½ of said chapter 265; a repeat offense under section 13B ¾ of said chapter 265; indecent assault and battery on a mentally retarded person under section 13F of said chapter 265; rape under section 22 of said chapter 265; rape of a child under 16 with force under section 22A of said chapter 265; aggravated rape of a child under 16 with force under section 22B of said chapter 265; a repeat offense under section 22C of said chapter 265; assault with intent to commit rape under section 24 of said chapter 265; assault of a child with intent to commit rape under section 24B of said chapter 265; enticing a child under 18 via electronic communication to engage in prostitution, human trafficking or commercial sexual activity under section 26D of said chapter 265; trafficking of persons for sexual servitude under section 50 of chapter 265; a second or subsequent violation of human trafficking for sexual servitude under section 52 of chapter 265; drugging persons for sexual intercourse under section 3 of chapter 272; unnatural and lascivious acts with a child under 16 under section 35A of said

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chapter 272; aggravated rape under section 39 of chapter 277; and any attempt to commit a violation of any of the aforementioned sections pursuant to section 6 of chapter 274 or a like violation of the law of another state, the United States or a military, territorial or Indian tribal authority, or any other offense that the sex offender registry board determines to be a sexually violent offense pursuant to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, 42 U.S.C. section 14071.

“Sexually violent predator”, a person who has been convicted of a sexually violent offense or who has been adjudicated as a youthful offender or as a delinquent juvenile by reason of a sexually violent offense, or a person released from incarceration, parole, probation supervision or commitment under chapter 123A or custody with the department of youth services for such a conviction or adjudication, whichever last occurs, on or after August 1, 1981, and who suffers from a mental abnormality or personality disorder that makes such person likely to engage in predatory sexually violent offenses.

MASS. GEN. LAWS ch. 272, § 34. Crime against nature.

Whoever commits the abominable and detestable crime against nature, either with mankind or with a beast, shall be punished by imprisonment in the state prison for not more than twenty years.

MASS. GEN. LAWS ch. 272 § 77C. Sexual contact with animal.

- (a) *For the purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:*
“Animal”, a living nonhuman mammal, bird, reptile, amphibian, fish or invertebrate.
“Sexual contact”, (i) any act between a person and an animal that involves contact between the sex organs or anus of one and the mouth, anus or sex organs of the other; (ii) touching or fondling by a person of the sex organs or anus of an animal, either directly or through clothing, without a bona fide veterinary or animal husbandry purpose; (iii) any transfer or transmission of semen by the person upon any part of the animal; or (iv) the insertion, however slight, of any part of a person's body or any object into the vaginal or anal opening of an animal or the insertion of any part of the animal's body into the vaginal or anal opening of the person.
- (b) *A person who willingly: (i) engages in sexual contact with an animal or advertises, offers, accepts an offer for, sells, transfers, purchases or otherwise obtains an animal with the intent that the animal be used for sexual contact; (ii) organizes, promotes, conducts or knowingly participates in as an observer an act involving sexual contact with an animal; (iii) causes, aids or abets another person to engage in sexual contact with an animal; (iv) knowingly permits sexual contact with an animal to be conducted on any premises under the person's control; (v) induces or otherwise entices a child younger than 18 years of*

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age or a person with a developmental or intellectual disability, as defined in section 1 of chapter 123B, to engage in sexual contact with an animal or engages in sexual contact with an animal in the presence of a child younger than 18 years of age or a person with a developmental or intellectual disability; (vi) forces another person to engage in sexual contact with an animal; or (vii) disseminates photographs, videotapes or other depictions prohibited sexual contact with an animal shall, for a first offense, be punished by imprisonment in the state prison for not more than 7 years or by imprisonment in a jail or house of correction for not more than 2 ½ years, by a fine of not more than \$5,000 or by both such fine and imprisonment and, for a second or subsequent offense, by imprisonment in the state prison for not more than 10 years, by a fine of not more than \$10,000 or by both such fine and imprisonment.

- (c) Notwithstanding section 26 of chapter 218 or any other general or special law to the contrary, the district courts and the divisions of the Boston municipal court department shall have original jurisdiction, concurrent with the superior court, of a violation of this section.
- (d) Upon a conviction for a violation of this section and in addition to any other penalties as may be provided by law, the defendant shall forfeit the animal whose treatment was the basis of the conviction to the custody of an entity incorporated under the laws of the commonwealth for the prevention of cruelty to animals or for the care and protection of homeless or suffering animals.
- Upon a conviction for a violation of this section, the defendant shall not: (i) work in any capacity that requires the person to be in contact with an animal, including a commercial boarding or training establishment, shelter, animal control facility, pet shop, grooming facility, commercial breeder service, veterinary hospital or clinic or animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals; or (ii) harbor, own, possess or exercise control over an animal, reside in a household where any animals are present or engage in an occupation, whether paid or unpaid, or participate in a volunteer position at any establishment where animals are present for any length of time that the court deems reasonable for the protection of all animals; provided, however, that the length of time shall not be less than 5 years after the person's release from custody.
- (e) This section shall not apply to lawful and accepted practices that relate to veterinary medicine performed by a licensed veterinarian or a certified veterinary technician under the guidance of a licensed veterinarian, artificial insemination of animals for the purpose of procreation, accepted animal husbandry practices, including raising, breeding or assisting with the birthing process of animals or any other practice that provides care for animals, or conformation judging.

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6. MAXIMUM PENALTIES & STATUTES OF LIMITATIONS

NOTE: All penalties are defined in the substantive statutes, available in the [General Cruelty, Fighting and Racketeering](#), and [Sexual Assault](#) sections of this document.

MASS. GEN. LAWS ch. 274, § 1. Felony and Misdemeanor.

A crime punishable by death or imprisonment in the state prison is a felony. All other crimes are misdemeanors.

MASS. GEN. LAWS. CH. 277 § 63. Limitation on criminal prosecutions.

An indictment for murder may be found at any time after the death of the person alleged to have been murdered. An indictment or complaint for an offense set forth in section 13B, 13B ½, 13B ¾, 13F, 13L, 22A, 22B, 22C, 23, 23A, 23B, 24B or subsection (b) of section 50 of chapter 265, for conspiracy to commit any of these offenses, as an accessory thereto, or any 1 or more of them may be found and filed at any time after the date of the commission of such offense; but any indictment or complaint found and filed more than 27 years after the date of commission of such offense shall be supported by independent evidence that corroborates the victim's allegation. Such independent evidence shall be admissible during trial and shall not consist exclusively of the opinions of mental health professionals. An indictment for an offense set forth in sections 22, 24 or subsection (a) of section 50 of chapter 265, or for conspiracy to commit either of these offenses or as an accessory thereto or any 1 or more of them may be found and filed within 15 years of the date of commission of such offense. An indictment for an offense set forth in sections 17, 18, 19 and 21 of said chapter 265 or section 17 of chapter 272, for conspiracy to commit any such crime, as an accessory thereto, or any 1 or more of them may be found and filed within 10 years after the date of commission of such offense. *An indictment for any other crime shall be found and filed within 6 years after such crime has been committed. Any period during which the defendant is not usually and publicly a resident within the commonwealth shall be excluded in determining the time limited.*

Notwithstanding the first paragraph, if a victim of a crime set forth in section 13B, 13F, 13H, 22, 22A, 23, 24B, 26A or 50 of chapter 265, or section 1, 2, 3, 4, 4A, 4B, 5, 6, 7, 8, 12, 13, 17, 26, 28, 29A, 29B, 33, 34, 35 or 35A of chapter 272 is under the age of 16 at the time the crime is committed, the period of limitation for prosecution shall not commence until the victim has reached the age of 16 or the violation is reported to a law enforcement agency, whichever occurs earlier.

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7. CROSS ENFORCEMENT & REPORTING

MASS. GEN. LAWS ch. 19A § 15. Reports of abuse; liability.

- (a) Any physician, physician assistant, medical intern, dentist, nurse, family counselor, probation officer, social worker, policeman, firefighter, emergency medical technician, *animal control officer*, licensed psychologist, coroner, registered physical therapist, registered occupational therapist, osteopath, podiatrist, director of a council on aging, outreach worker employed by a council on aging, executive director of a licensed home health agency or executive director of a homemaker service agency or manager of an assisted living residence *who has reasonable cause to believe that an elderly person is suffering from or has died as a result of abuse, shall immediately make a verbal report of such information or cause a report to be made to the department or its designated agency and shall within forty-eight hours make a written report to the department or its designated agency. Any person so required to make such reports who fails to do so shall be punished by a fine of not more than one thousand dollars.*
- (b) The executive director of a home care corporation, licensed home health agency or homemaker service agency shall establish procedures within such agency to ensure that homemakers, home health aides, case managers or other staff of said agency who have reasonable cause to believe that an elderly person has been abused shall report such case to the executive director of the corporation or agency. The executive director shall immediately make a verbal report of such information or cause a report to be made to the department or its designated agency and shall within forty-eight hours make a written report to the department or its designated agency.
- (c) In addition to a person required to report under the provisions of subsection (a) of this section, any other person may make such a report to the department or its designated agency, if any such person has reasonable cause to believe that an elderly person is suffering from or has died as a result of abuse.
- (d) *No person required to report pursuant to the provisions of subsection (a) shall be liable in any civil or criminal action by reason of such report; provided, however, that such person did not perpetrate, inflict or cause said abuse.* No other person making such a report pursuant to the provisions of subsection (b) or (c) shall be liable in any civil or criminal action by reason of such report if it was made in good faith; provided, however, that such person did not perpetrate, inflict or cause said abuse. Any person making a report under subsection (a), (b) or (c) who, in the determination of the department or the district attorney may have perpetrated, inflicted or caused said abuse may be liable in a civil or criminal action by reason of such report. No employer or supervisor may discharge, demote, transfer, reduce pay, benefits or work privileges, prepare a negative work performance evaluation, or take any other action detrimental to an employee or supervisee who files a report in accordance with the provisions of this section by reason of such report.
- (e) Reports made pursuant to subsections (a) and (b) shall contain the name, address and approximate age of the elderly person who is the subject of the report, information

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regarding the nature and extent of the abuse, the name of the person's caretaker, if known, any medical treatment being received or immediately required, if known, any other information the reporter believes to be relevant to the investigation, and the name and address of the reporter and where said reporter may be contacted, if the reporter wishes to provide said information. The department shall publicize the provisions of this section and the process by which reports of abuse shall be made.

- (f) Any privilege established by sections one hundred and thirty-five A and one hundred and thirty-five B of chapter one hundred and twelve or section twenty B of chapter two hundred and thirty-three relating to the exclusion of confidential communications shall not prohibit the filing of a report pursuant to the provisions of subsection (a), (b) or (c).

MASS. GEN. LAWS ch. 19A § 42. Reporting of animal cruelty, abuse or neglect.

- (a) *During any investigation or evaluation reported under section 18, any employee of the department, its designated agency or any person employed pursuant to a contract with the department or its designated agency, when acting in his or her professional capacity or within the scope of his or her employment, who has knowledge of or observes an animal whom he or she knows or reasonably suspects has been the victim of animal cruelty, abuse or neglect, may report the known or suspected animal cruelty, abuse or neglect to the entities that investigate reports of animal cruelty, abuse or neglect, as described in section 57 of chapter 22C, or any local animal control authority.*
- (b) *The report may be made within 2 working days of receiving the information concerning the animal, by facsimile transmission or a written report or by telephone. In cases where an immediate response may be necessary in order to protect the health and safety of the animal, the report should be made by telephone as soon as possible.*
- (c) *When 2 or more employees of the department or its designated agency, or persons employed pursuant to a contract with the department or its designated agency, are present and jointly have knowledge of known or reasonably suspected animal cruelty, abuse or neglect, and where there is agreement among them, a report may be made by 1 person by mutual agreement. Any reporter who has knowledge that the person designated to report has failed to do so may thereafter make the report.*
- (d) *No person making such report shall be liable in any civil or criminal action by reason of such report if it was made in good faith. Any privilege established by sections 135A and 135B of chapter 112 or by section 20B of chapter 233, relating to confidential communications, shall not prohibit the filing of a report pursuant to this section.*
- (e) *Nothing in this section shall impose a duty on the department or its designated agency to investigate known or reasonably suspected animal cruelty, abuse or neglect.*
- (f) *Nothing in this section shall prevent the department, area office or subdivision or its designated agency from entering into an agreement, contract or memorandum of understanding with the entities that investigate reports of animal cruelty, abuse or neglect as described in section 57 of chapter 22C, to require such reports or to engage in training in identification and reporting of animal abuse, cruelty and neglect.*

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MASS. GEN. LAWS ch. 19C § 1. Definitions

As used in this chapter, the following words shall, unless the context requires otherwise, have the following meanings:--

“Abuse”, an act or omission which results in serious physical or emotional injury to a disabled person; provided, however, that no person shall be considered to be abused for the sole reason that such person is being furnished or relies upon treatment in accordance with the tenets and teachings of a church or religious denomination by a duly accredited practitioner thereof.

“Caretaker”, a disabled person's parent, guardian or other person or agency responsible for a disabled person's health or welfare, whether in the same home as the disabled person, a relative's home, a foster home or any other day or residential setting.

“Commission”, the disabled persons protection commission established pursuant to section two.

“Disabled person”, a person between the ages of eighteen to fifty-nine, inclusive, who is a person with an intellectual disability as defined by section 1 of chapter 123B, or who is otherwise mentally or physically disabled and as a result of such mental or physical disability is wholly or partially dependent on others to meet his daily living needs.

“General counsel” or “counsel”, the general counsel of the executive office of health and human services.

“Mandated reporter”, any physician, medical intern, hospital personnel engaged in the examination, care or treatment of persons, medical examiner, dentist, psychologist, nurse, chiropractor, podiatrist, osteopath, public or private school teacher, educational administrator, guidance or family counselor, day care worker, probation officer, *animal control officer*, social worker, foster parent, police officer or person employed by a state agency within the executive office of health and human services as defined by section sixteen of chapter six A, or employed by a private agency providing services to disabled persons who, in his professional capacity shall have reasonable cause to believe that a disabled person is suffering from a reportable condition.

“Recommendations”, a statement or statements contained in an investigation report prepared pursuant to this chapter and based upon a conclusion that abuse has occurred which sets forth specific action or actions intended by the investigator to remedy said abuse, protect the particular disabled person or persons who are the subject or subjects of the report from further abuse and which responds to the specific protective needs of said disabled person or persons or group of disabled persons similarly situated.

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“Reportable condition”, a serious physical or emotional injury resulting from abuse, including unconsented to sexual activity.

“State agency”, any agency of the commonwealth that provides services or treatment to disabled persons, including private agencies providing such services or treatment pursuant to a contract or agreement with an agency of the commonwealth.

MASS. GEN. LAWS ch. 19C § 14. Reporting of animal cruelty, abuse or neglect.

- (a) *During any investigation or evaluation reported under section 5, any investigator designated by the commission, the general counsel, or a department within the executive office of health and human services, when acting in his or her professional capacity or within the scope of his or her employment, who has knowledge of or observes an animal whom he or she knows or reasonably suspects has been the victim of animal cruelty, abuse or neglect, may report the known or suspected animal cruelty, abuse or neglect to the entities that investigate reports of animal cruelty, abuse or neglect, as described in section 57 of chapter 22C, or any local animal control authority.*
- (b) *The report may be made within 2 working days of receiving the information concerning the animal, by facsimile transmission or a written report or by telephone. In cases where an immediate response may be necessary in order to protect the health and safety of the animal, the report should be made by telephone as soon as possible.*
- (c) *When 2 or more investigators are present and jointly have knowledge of known or reasonably suspected animal cruelty, abuse or neglect, and where there is agreement among them, a report may be made by 1 person by mutual agreement. Any reporter who has knowledge that the person designated to report has failed to do so may thereafter make the report.*
- (d) *No person making such report shall be liable in any civil or criminal action by reason of such report if it was made in good faith. Any applicable privilege that relates to confidential communications made to the commission shall not prohibit the filing of a report pursuant to this section.*
- (e) *Nothing in this section shall impose a duty on the commission to investigate known or reasonably suspected animal cruelty, abuse or neglect.*
- (f) *Nothing in this section shall prevent the commission from entering into an agreement, contract or memorandum of understanding with the entities that investigate reports of animal cruelty, abuse or neglect as described in section 57 of chapter 22C, to require such reports or to engage in training in identification and reporting of animal abuse, cruelty and neglect.*

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MASS. GEN. LAWS ch. 119 § 21. Definitions applicable to Secs. 21 to 51H.

As used in sections 21 to 51H, inclusive, the following words shall have the following meanings, unless the context clearly otherwise requires:--

“51A report”, a report filed with the department under section 51A that details suspected child abuse or neglect.

“Advocate”, an employee of a governmental or non-governmental organization or entity providing appropriate services, or a similar employee of the department of children and families who has been trained to work and advocate for the needs of sexually exploited children.

“Appropriate services”, the assessment, planning and care provided by a state agency or non-governmental organization or entity, through congregate care facilities, whether publicly or privately funded, emergency residential assessment services, family-based foster care or the community, including food, clothing, medical care, counseling and appropriate crisis intervention services, provided: (i) that such agency, organization or entity has expertise in providing services to sexually exploited children or children who are otherwise human trafficking victims; and (ii) that such services are provided in accordance with such regulations that the department of children and families may adopt or the policies of such department.

“Child”, a person under the age of 18.

“Child advocate”, the child advocate appointed under chapter 18C.

“Child requiring assistance”, a child between the ages of 6 and 18 who: (i) repeatedly runs away from the home of the child's parent, legal guardian or custodian; (ii) repeatedly fails to obey the lawful and reasonable commands of the child's parent, legal guardian or custodian, thereby interfering with their ability to adequately care for and protect the child; (iii) repeatedly fails to obey the lawful and reasonable regulations of the child's school; (iv) is habitually truant; or (v) is a sexually exploited child.

“Commissioner”, the commissioner of children and families.

“Custody”, the power to: (1) determine a child's place of abode, medical care and education; (2) control visits to a child; and (3) consent to enlistments, marriages and other contracts otherwise requiring parental consent. If a parent or guardian objects to the carrying out of any power conferred by this paragraph, that parent or guardian may take application to the committing court and the court shall review and make an order on the matter.

“Department”, the department of children and families.

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“Family requiring assistance”, a parent, guardian, custodian, sibling and any relative or caretaker responsible for a child requiring assistance.

“Habitually truant”, a school-aged child, not excused from attendance under the lawful and reasonable regulations of such child's school, who willfully fails to attend school for more than 8 school days in a quarter.

“Mandated reporter”, a person who is: (i) a physician, medical intern, hospital personnel engaged in the examination, care or treatment of persons, medical examiner, psychologist, emergency medical technician, dentist, nurse, chiropractor, podiatrist, optometrist, osteopath, allied mental health and human services professional licensed under section 165 of chapter 112, drug and alcoholism counselor, psychiatrist or clinical social worker; (ii) a public or private school teacher, educational administrator, guidance or family counselor, child care worker, person paid to care for or work with a child in any public or private facility, or home or program funded by the commonwealth or licensed under chapter 15D that provides child care or residential services to children or that provides the services of child care resource and referral agencies, voucher management agencies or family child care systems or child care food programs, licenser of the department of early education and care or school attendance officer; (iii) a probation officer, clerk-magistrate of a district court, parole officer, social worker, foster parent, firefighter, police officer or *animal control officer*; (iv) a priest, rabbi, clergy member, ordained or licensed minister, leader of any church or religious body, accredited Christian Science practitioner, person performing official duties on behalf of a church or religious body that are recognized as the duties of a priest, rabbi, clergy, ordained or licensed minister, leader of any church or religious body, accredited Christian Science practitioner, or person employed by a church or religious body to supervise, educate, coach, train or counsel a child on a regular basis; (v) in charge of a medical or other public or private institution, school or facility or that person's designated agent; or (vi) the child advocate.

“Parent”, a mother or father, unless another relative has been designated as a parent as defined in section 1 of chapter 118 for the purposes of receiving benefits from the department of transitional assistance.

“Relative”, the father or mother of a child; a stepfather, stepmother, stepbrother, stepsister, or any blood relative of a child, including those of the half blood, except cousins who are more distantly related than first cousins; any adoptive relative of equal propinquity to the foregoing; or a spouse of any such persons.

“Serious bodily injury”, bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

“Sexually exploited child”, any person under the age of 18 who has been subjected to sexual exploitation because such person:

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- (1) is the victim of the crime of sexual servitude pursuant to section 50 of chapter 265 or is the victim of the crime of sex trafficking as defined in 22 United States Code 7105;
- (2) engages, agrees to engage or offers to engage in sexual conduct with another person in return for a fee, in violation of subsection (a) of section 53A of chapter 272, or in exchange for food, shelter, clothing, education or care;
- (3) is a victim of the crime, whether or not prosecuted, of inducing a minor into prostitution under by section 4A of chapter 272; or
- (4) engages in common night walking or common streetwalking under section 53 of chapter 272.

“Young adult”, a person between the ages of 18 and 22.

MASS. GEN. LAWS ch. 119, § 85. Department employees reporting animal cruelty, abuse or neglect; immunity from liability.

- (a) *During any investigation or evaluation reported under section 51A, any employee of the department or person employed pursuant to a contract with the department, when acting in his professional capacity or within the scope of his or her employment, who has knowledge of or observes an animal whom he knows or reasonably suspects has been the victim of animal cruelty, abuse or neglect, may report the known or suspected animal cruelty, abuse or neglect to a police officer or a special state police officer appointed pursuant to section 57 of chapter 22C.*
- (b) *The report may be made within 2 working days of receiving the information concerning the animal, by facsimile transmission or a written report or by telephone. In cases where an immediate response may be necessary in order to protect the health and safety of the animal, the report should be made by telephone as soon as possible.*
- (c) *When 2 or more employees of the department are present and jointly have knowledge of known or reasonably suspected animal cruelty, abuse or neglect, and where there is agreement among them, a report may be made by 1 person by mutual agreement. Any reporter who has knowledge that the person designated to report has failed to do so may thereafter make the report.*
- (d) *No person making such report shall be liable in any civil or criminal action by reason of such report if it was made in good faith. Any privilege established by sections 135A and 135B of chapter 112 or by section 20B of chapter 233, relating to confidential communications, shall not prohibit the filing of a report pursuant to this section.*
- (e) *Nothing in this section shall impose a duty on the department to investigate known or reasonably suspected animal cruelty, abuse or neglect.*
- (f) *Nothing in this section shall prevent the department, area office or subdivision from entering into an agreement, contract or memorandum of understanding with the entities that investigate reports of animal cruelty, abuse or neglect as described in section 57 of chapter 22C, to require such reports or to engage in training in identification and reporting of animal abuse, cruelty and neglect.*

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8. VETERINARY REPORTING & IMMUNITY

MASS. GEN. LAWS ch. 112, § 58B. Cruelty to Animals; Limited Liability.

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

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

Any veterinarian who fails to report such an act of animal cruelty shall be reported to the board of registration in veterinary medicine.

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9. LAW ENFORCEMENT POLICIES

MASS. GEN. LAWS ch. 22C, § 57. Agents of humane societies and associations; appointment as special officers.

The colonel may appoint, at the request of the Massachusetts Society for the Prevention of Cruelty to Animals, the Berkshire Animal Protective Society, Inc., the Animal Rescue League of Boston, the Boston Work Horse Relief Association, the Lowell Humane Society, the Worcester Animal Rescue League or the Animal Rescue League of New Bedford, duly accredited agents of said corporations as special state police officers to serve for one year subject to removal by the colonel. Such special state police officers shall report to him relative to their official acts as such police officers at such times and in such manner as the colonel may require. They shall serve without pay, except their regular compensation as agents of said corporation. They shall receive no fees for services or return of any criminal process and shall have throughout the commonwealth the powers of constables and police officers to arrest and detain any person violating any law for the prevention of cruelty to animals.

MASS. GEN. LAWS ch. 272, § 82. Arrest without warrant for violation of section 77 or 81; notice; care of animals; lien.

A person found violating any provision of section seventy-seven or eighty-one may be arrested and held without a warrant as provided in section fifty-four; the person making an arrest with or without a warrant shall use reasonable diligence to give notice thereof to the owner of animals found in the charge or custody of the person arrested, shall properly care and provide for such animals until the owner thereof takes charge of them, not, however, exceeding sixty days from the date of said notice, and shall have a lien on said animals for the expense of such care and provision.

MASS. GEN. LAWS ch. 272, § 84. Officers to Prosecute.

Sheriffs, deputy sheriffs, constables and police officers shall prosecute all violations of sections seventy-seven to eighty-one, inclusive, which come to their notice.

ANIMAL PROTECTION LAWS OF MASSACHUSETTS**10. SEIZURE****MASS. GEN. LAWS ch. 272, § 82. Arrest without warrant for violation of section 77 or 81; notice; care of animals; lien.**

A person found violating any provision of section seventy-seven or eighty-one may be arrested and held without a warrant as provided in section fifty-four; the person making an arrest with or without a warrant shall use reasonable diligence to give notice thereof to the owner of animals found in the charge or custody of the person arrested, shall properly care and provide for such animals until the owner thereof takes charge of them, not, however, exceeding sixty days from the date of said notice, and shall have a lien on said animals for the expense of such care and provision.

MASS. GEN. LAWS ch. 272, § 83. Complaint, Warrant, and Search Relative to Cruelty to Animals.

If a complaint is made to a court or magistrate authorized to issue warrants in criminal cases that the complainant has reasonable cause to believe that the laws relative to cruelty to animals have been or are violated in any particular building or place, such court or magistrate, if satisfied that there is reasonable cause for such belief, shall issue a search warrant authorizing any sheriff, deputy sheriff, constable or police officer to search such building or place; but no such search shall be made after sunset, unless specially authorized by the magistrate upon satisfactory cause shown.

MASS. GEN. LAWS ch. 272, § 88. Search Warrant for Fighting Birds, etc.

If complaint is made to a court or magistrate authorized to issue warrants in criminal cases that the complainant has reasonable cause to believe that preparations are being made for an exhibition of the fighting of birds, dogs or other animals, or that such exhibition is in progress, or that birds, dogs or other animals are kept, owned, possessed, trained, bred, loaned, sold, exported or otherwise transferred in violation of section 94 at any place or in any building or tenement, such court or magistrate, if satisfied that there is reasonable cause for such belief, shall issue a search warrant authorizing any sheriff, deputy sheriff, constable or police officer, or special police officer duly appointed by the colonel of the state police at the request of the Massachusetts Society for the Prevention of Cruelty to Animals or at the request of the Animal Rescue League of Boston, to search such place, building or tenement at any hour of the day or night and take possession of all such animals and all paraphernalia, implements, equipment or other property used or employed, or intended to be used or employed, in violation of section 94 there found, and arrest all persons there present.

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MASS. GEN. LAWS ch. 272, § 89. Entry without a Warrant, etc.

Any officer authorized to serve criminal process, or any special police officer duly appointed by the colonel of the state police at the request of the Massachusetts Society for the Prevention of Cruelty to Animals, or any municipal officer involved with animal control may, without a warrant, enter any place or building in which there is an exhibition of any fighting birds, dogs or other animals, preparations are being made for such an exhibition, or birds, dogs or other animals are owned, possessed, kept, trained, bred, loaned, sold, exported or otherwise transferred in violation of section 94. Any such officer may arrest all persons there present and take possession of and remove from the place of seizure such animals there found in violation of said section 94, and hold the same in custody subject to the order of court as hereinafter provided.

MASS. GEN. LAWS ch. 272, § 104. Seizure of Animals; Posting Security.

- (a) *As used in this section, the word "authority" shall mean an organization or the authorized agent of an organization that seizes or impounds an animal pursuant to the General Laws.*
- (b) *If an animal is seized or impounded pursuant to section 112 of chapter 266 or section 77, 77C or 94 of chapter 272 resulting in the issuance of a criminal complaint or a criminal indictment, the authority or prosecuting agency, including the district attorney or attorney general, may file a petition with the court requesting that the person from whom the animal was seized or a person claiming an interest in the seized animal be ordered to post a security. The authority or prosecuting agency shall serve a copy of the petition on the person from whom the animal was seized or who is claiming an interest in the seized animal; provided, however, that if such a person cannot be found, service may be made by posting a copy of the petition at the place from which the animal was seized. If the petition is filed by the authority, the authority shall also serve a copy of the petition on the prosecuting agency.*
- (c) *The security shall be in an amount sufficient to secure payment for the reasonable expenses incurred by the authority that has custody of the seized or impounded animal and the reasonable expenses anticipated by the authority. In determining the amount of the security, expenses shall be calculated from the date of seizure or impoundment and continue until the authority ends custody of the animal; provided, however, that the amount shall be determined for a period of not less than 30 days. The amount of the security shall be determined by the court upon the recommendation of the authority. Reasonable expenses shall include, but shall not be limited to, estimated medical care, quarantine costs, shelter and board.*
- (d) *When a security is posted in accordance with this section, the authority may draw from the security the actual, reasonable costs incurred for medical care, quarantine costs, shelter, board and any other expenses ordered by the court. If the expenses already incurred by the seizing authority at the time of judicial decision on the petition exceed*

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the petitioned for security amount, the court may order the security to be paid in its entirety to the authority through the court or directly from the respondent to the authority, as the court deems appropriate in the interest of justice.

- (e) If the court orders the posting of a security, the security shall be posted with the clerk within 10 business days of the court's allowance of the petition. The defendant's failure to post the security within the appointed time shall be deemed an immediate forfeiture of the seized animal to the authority. The court may waive the security requirement or reduce the amount of the security for good cause. The court may extend the time for posting the security with the clerk; provided, however, that the time between the court's allowance of the petition and the posting shall be not more than 20 business days.
- (f) The posting of the security shall not prevent the authority from euthanizing the seized or impounded animal for humane reasons before the expiration of the period covered by the security; provided, however, that the euthanasia shall be done in a humane manner.
- (g) The authority may humanely transfer or euthanize the animal at the end of the period for which expenses are covered by the security if a transfer or euthanasia is ordered by the court. If the transfer or euthanasia order is denied, the court may require the animal's owner or custodian or any other person claiming interest in the animal to provide an additional security to secure payment of reasonable expenses and to extend the period of time pending adjudication by the court of the charges against the person from whom the animal was seized.
- (h) The owner or custodian of an animal, or a person claiming interest in such an animal pursuant to this section, that is humanely transferred or euthanized shall not be entitled to recover damages or the actual value of the animal if the owner, custodian or other person failed to post the required security.
- (i) The court may direct a refund to the person who posted the security in whole or part, for expenses not incurred by the authority. The court may direct a refund to the person who posted security upon acquittal of the charges.

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11. COURTROOM ANIMAL ADVOCATE PROGRAM

ANIMAL PROTECTION LAWS OF MASSACHUSETTS**12. PROTECTION ORDERS****MASS. GEN. LAWS ch. 209A, § 11. Domesticated Animals- Possession, Care and Control.**

- (a) *Whenever the court issues a temporary or permanent vacate, stay away, restraining or no contact order or a judgment under section 18, 34B or 34C of chapter 208, or under section 32 of chapter 209, or under section 3, 4 or 5 of this chapter, or under section 15 or 20 of chapter 209C, or under section 3 to 7, inclusive, of chapter 258E or a temporary restraining order or preliminary or permanent injunction relative to a domestic relations, child custody, domestic abuse or abuse prevention proceeding, the court may order the possession, care and control of any domesticated animal owned, possessed, leased, kept or held by either party or a minor child residing in the household to the plaintiff or petitioner. The court may order the defendant to refrain from abusing, threatening, taking, interfering with, transferring, encumbering, concealing, harming or otherwise disposing of such animal.*
- (b) *A party to any proceeding listed in subsection (a) may petition the court for an order authorized by said subsection (a).*
- (c) *Whenever the court issues a warrant for a violation of a temporary or permanent vacate, stay away, restraining or no contact order or a judgment issued under section 18, 34B or 34C of chapter 208, or under section 32 of chapter 209, or under section 3, 4 or 5 of this chapter, or under section 15 or 20 of chapter 209C, or section 3 to 7, inclusive, of chapter 258E or otherwise becomes aware that an outstanding warrant for such a violation has been issued against a person before the court, the judge may make a finding, based upon the totality of the circumstances, as to whether there exists an imminent threat of bodily injury to any party to such judgment or the petitioner of any such protective order, a member of the petitioner's family or household or to a domesticated animal belonging to the petitioner or to a member of the petitioner's family or household. If the court makes a finding that such an imminent threat of bodily injury to a person or domesticated animal exists, the court shall notify the appropriate law enforcement officials of such finding and the law enforcement officials shall take all necessary actions to execute any such outstanding warrant as soon as is practicable.*

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13. RESTITUTION

MASS. GEN. LAWS ch. 272, § 82. Arrest without warrant for violation of section 77 or 81; notice; care of animals; lien.

A person found violating any provision of section seventy-seven or eighty-one may be arrested and held without a warrant as provided in section fifty-four; the person making an arrest with or without a warrant shall use reasonable diligence to give notice thereof to the owner of animals found in the charge or custody of the person arrested, shall properly care and provide for such animals until the owner thereof takes charge of them, not, however, exceeding sixty days from the date of said notice, and *shall have a lien on said animals for the expense of such care and provision.*

MASS. GEN. LAWS ch. 272, § 104. Seizure of Animals; Posting Security.

- (a) As used in this section, the word “authority” shall mean an organization or the authorized agent of an organization that seizes or impounds an animal pursuant to the General Laws.
- (b) If an animal is seized or impounded pursuant to section 112 of chapter 266 or section 77, 77C or 94 of chapter 272 resulting in the issuance of a criminal complaint or a criminal indictment, *the authority or prosecuting agency, including the district attorney or attorney general, may file a petition with the court requesting that the person from whom the animal was seized or a person claiming an interest in the seized animal be ordered to post a security.* The authority or prosecuting agency shall serve a copy of the petition on the person from whom the animal was seized or who is claiming an interest in the seized animal; provided, however, that if such a person cannot be found, service may be made by posting a copy of the petition at the place from which the animal was seized. If the petition is filed by the authority, the authority shall also serve a copy of the petition on the prosecuting agency.
- (c) *The security shall be in an amount sufficient to secure payment for the reasonable expenses incurred by the authority that has custody of the seized or impounded animal and the reasonable expenses anticipated by the authority. In determining the amount of the security, expenses shall be calculated from the date of seizure or impoundment and continue until the authority ends custody of the animal; provided, however, that the amount shall be determined for a period of not less than 30 days. The amount of the security shall be determined by the court upon the recommendation of the authority. Reasonable expenses shall include, but shall not be limited to, estimated medical care, quarantine costs, shelter and board.*
- (d) *When a security is posted in accordance with this section, the authority may draw from the security the actual, reasonable costs incurred for medical care, quarantine costs, shelter, board and any other expenses ordered by the court. If the expenses already*

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incurred by the seizing authority at the time of judicial decision on the petition exceed the petitioned for security amount, the court may order the security to be paid in its entirety to the authority through the court or directly from the respondent to the authority, as the court deems appropriate in the interest of justice.

- (e) *If the court orders the posting of a security, the security shall be posted with the clerk within 10 business days of the court's allowance of the petition. The defendant's failure to post the security within the appointed time shall be deemed an immediate forfeiture of the seized animal to the authority. The court may waive the security requirement or reduce the amount of the security for good cause. The court may extend the time for posting the security with the clerk; provided, however, that the time between the court's allowance of the petition and the posting shall be not more than 20 business days.*
- (f) *The posting of the security shall not prevent the authority from euthanizing the seized or impounded animal for humane reasons before the expiration of the period covered by the security; provided, however, that the euthanasia shall be done in a humane manner.*
- (g) *The authority may humanely transfer or euthanize the animal at the end of the period for which expenses are covered by the security if a transfer or euthanasia is ordered by the court. If the transfer or euthanasia order is denied, the court may require the animal's owner or custodian or any other person claiming interest in the animal to provide an additional security to secure payment of reasonable expenses and to extend the period of time pending adjudication by the court of the charges against the person from whom the animal was seized.*
- (h) *The owner or custodian of an animal, or a person claiming interest in such an animal pursuant to this section, that is humanely transferred or euthanized shall not be entitled to recover damages or the actual value of the animal if the owner, custodian or other person failed to post the required security.*
- (i) *The court may direct a refund to the person who posted the security in whole or part, for expenses not incurred by the authority. The court may direct a refund to the person who posted security upon acquittal of the charges.*

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14. FORFEITURE & POSSESSION BANS

MASS. GEN. LAWS ch. 272, § 77. Cruelty to Animals.

Whoever overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates or kills an animal, or causes or procures an animal to be overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten, mutilated or killed; and whoever uses in a cruel or inhuman manner in a race, game, or contest, or in training therefor, as lure or bait a live animal, except an animal if used as lure or bait in fishing; and whoever, having the charge or custody of an animal, either as owner or otherwise, inflicts unnecessary cruelty upon it, or unnecessarily fails to provide it with proper food, drink, shelter, sanitary environment, or protection from the weather, and whoever, as owner, possessor, or person having the charge or custody of an animal, cruelly drives or works it when unfit for labor, or willfully abandons it, or carries it or causes it to be carried in or upon a vehicle, or otherwise, in an unnecessarily cruel or inhuman manner or in a way and manner which might endanger the animal carried thereon, or knowingly and willfully authorizes or permits it to be subjected to unnecessary torture, suffering or cruelty of any kind shall be punished by imprisonment in the state prison for not more than 7 years in state prison or imprisonment in the house of correction for not more than 2 1/2 years or by a fine of not more than \$5,000 or by both fine and imprisonment; provided, however, that a second or subsequent offense shall be punished by imprisonment in the state prison for not more than 10 years or by a fine of not more than \$10,000 or by both such fine and imprisonment. Notwithstanding section 26 of chapter 218 or any other general or special law to the contrary, the district courts and the divisions of the Boston municipal court department shall have original jurisdiction, concurrent with the superior court, of a violation of this section.

In addition to any other penalty provided by law, upon conviction for any violation of this section or of sections 77A, 77C, 78, 78A, 79A, 79B, 80A, 80B, 80C, 80D, 80E, 80E ½, 80F, 86, 86A, 86B or 94 the defendant shall forfeit to the custody of any society, incorporated under the laws of the commonwealth for the prevention of cruelty to animals or for the care and protection of homeless or suffering animals, the animal whose treatment was the basis of such conviction.

A person convicted of a crime of cruelty to an animal shall be prohibited from working in any capacity that requires such person to be in contact with an animal, including a commercial boarding or training establishment, shelter, animal control facility, pet shop, grooming facility, commercial breeder service, veterinary hospital or clinic or animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals.

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MASS. GEN. LAWS ch. 272 § 77C. Sexual contact with animal.

- (a) For the purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:
 “Animal”, a living nonhuman mammal, bird, reptile, amphibian, fish or invertebrate.
 “Sexual contact”, (i) any act between a person and an animal that involves contact between the sex organs or anus of one and the mouth, anus or sex organs of the other; (ii) touching or fondling by a person of the sex organs or anus of an animal, either directly or through clothing, without a bona fide veterinary or animal husbandry purpose; (iii) any transfer or transmission of semen by the person upon any part of the animal; or (iv) the insertion, however slight, of any part of a person's body or any object into the vaginal or anal opening of an animal or the insertion of any part of the animal's body into the vaginal or anal opening of the person.
- (b) A person who willingly: (i) engages in sexual contact with an animal or advertises, offers, accepts an offer for, sells, transfers, purchases or otherwise obtains an animal with the intent that the animal be used for sexual contact; (ii) organizes, promotes, conducts or knowingly participates in as an observer an act involving sexual contact with an animal; (iii) causes, aids or abets another person to engage in sexual contact with an animal; (iv) knowingly permits sexual contact with an animal to be conducted on any premises under the person's control; (v) induces or otherwise entices a child younger than 18 years of age or a person with a developmental or intellectual disability, as defined in section 1 of chapter 123B, to engage in sexual contact with an animal or engages in sexual contact with an animal in the presence of a child younger than 18 years of age or a person with a developmental or intellectual disability; (vi) forces another person to engage in sexual contact with an animal; or (vii) disseminates photographs, videotapes or other depictions prohibited sexual contact with an animal shall, for a first offense, be punished by imprisonment in the state prison for not more than 7 years or by imprisonment in a jail or house of correction for not more than 2 ½ years, by a fine of not more than \$5,000 or by both such fine and imprisonment and, for a second or subsequent offense, by imprisonment in the state prison for not more than 10 years, by a fine of not more than \$10,000 or by both such fine and imprisonment.
- (c) Notwithstanding section 26 of chapter 218 or any other general or special law to the contrary, the district courts and the divisions of the Boston municipal court department shall have original jurisdiction, concurrent with the superior court, of a violation of this section.
- (d) *Upon a conviction for a violation of this section and in addition to any other penalties as may be provided by law, the defendant shall forfeit the animal whose treatment was the basis of the conviction to the custody of an entity incorporated under the laws of the commonwealth for the prevention of cruelty to animals or for the care and protection of homeless or suffering animals.*
Upon a conviction for a violation of this section, the defendant shall not: (i) work in any capacity that requires the person to be in contact with an animal, including a commercial boarding or training establishment, shelter, animal control facility, pet shop,

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grooming facility, commercial breeder service, veterinary hospital or clinic or animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals; or (ii) harbor, own, possess or exercise control over an animal, reside in a household where any animals are present or engage in an occupation, whether paid or unpaid, or participate in a volunteer position at any establishment where animals are present for any length of time that the court deems reasonable for the protection of all animals; provided, however, that the length of time shall not be less than 5 years after the person's release from custody.

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

MASS. GEN. LAWS ch. 272, § 80 ½. Devocalization of dogs or cats; definitions; penalty; exceptions; records.

- (a) For the purposes of this section, the following words shall have the following meanings:-
- - “Board”, the board of registration in veterinary medicine.
 - “Devocalization”, a procedure on the larynx or vocal cords of an animal which causes the reduction or elimination of vocal sounds produced by that animal.
- (b) Whoever performs, or causes to be performed, the surgical devocalization of a dog or cat shall be punished by imprisonment in the state prison for not more than 5 years or imprisonment in a house of correction for not more than 2 ½ years, or by a fine of not more than \$2,500 or by both such fine and imprisonment. *In addition to this penalty, the court may order that any person who violates this section shall successfully complete a course of instruction relative to the humane treatment of animals or be barred from owning or keeping a dog or cat or sharing a residence with another who owns or keeps a dog or cat for a period of time as determined by said court.*
- (c) Subsection (b) shall not apply if:
- (1) the person performing such devocalization is licensed under section 55 of chapter 112; and
 - (2) surgical devocalization of a dog or cat is medically necessary to treat or relieve an illness, disease or injury or to correct a congenital abnormality that is causing or may cause the animal physical pain or harm; or
 - (3) the person who causes a devocalization procedure to be performed is relying upon the opinion of a person licensed under section 55 of chapter 112 that surgical devocalization of the dog or cat is medically necessary to treat or relieve an illness, disease or injury or to correct a congenital abnormality that is causing

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or may cause the animal physical pain or harm.

- (d) A veterinarian who performs a surgical devocalization procedure on a dog or cat shall keep a record of the procedure for a period of 4 years after the last contact with the animal. This record shall include: the name and address of the animal's owner; the name and address of the person from whom payment is received for the procedure; a description of the animal, including its name, species, breed, date of birth, sex, color, markings and current weight; the license number and municipality that issued the license for the animal; the date and time of the procedure; the reason the procedure was performed; and any diagnostic opinion, analysis or test results to support the diagnosis. These records shall be subject to audit by the board.
- Any person who performs a devocalization procedure on a dog or cat shall report the number of all such procedures to the board annually on or before March 30. The board shall maintain all notices received under this subsection for 4 years from the date of receipt.
- Records maintained under this subsection shall not be considered a public record, as defined in clause twenty-sixth of section 7 of chapter 4 or section 10 of chapter 66, and these records shall not be publicly disseminated.
- (e) The board shall, annually on or before March 1, report to the joint committee on the environment, natural resources and agriculture the number of animals that were the subject of devocalization notices received under subsection (d).
- (f) Whoever being licensed under section 55 of chapter 112 violates any provision of this section shall be subject to the suspension or revocation of such license under section 59 of said chapter 112 and 256 CMR 7.00.

MASS. GEN. LAWS ch. 272, § 91. Judgment of Forfeiture, etc.; Proceedings Thereon.

After seizure and removal of animals or property used or employed, or intended to be used or employed, in violation of section 94, application shall be made to a district court for a decree of forfeiture of the animals or property. If, after hearing on the application, notice thereof having been previously given as the court orders, it shall be found that the animals, at the time of seizure, were engaged, or were intended to be engaged, in fighting at an exhibition thereof or the animals were owned, possessed, kept, trained, bred, loaned, sold, exported or otherwise transferred in violation of section 94, such animals shall be adjudged forfeited. A forfeited animal shall be individually assessed by the organization to which it is forfeited to determine the animal's suitability for adoption or the organization shall transfer it to another organization for another disposition. Any person shall be allowed to appear as claimant in the proceeding upon the application for a decree of forfeiture.

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MASS. GEN. LAWS ch. 272, § 92. Appeal.

An owner or claimant aggrieved by such judgment may, within twenty-four hours after the entry thereof and before its execution, appeal therefrom to the superior court; and all proceedings upon and after such appeal, including the right of exception, shall conform, so far as may be, to those in criminal cases, except that before such appeal is allowed the appellant shall recognize to the commonwealth in the sum of two hundred dollars, with sufficient sureties, to prosecute his appeal and to pay such expenses of the prosecution as the court may order and such expenses as may be thereafter incurred in the care and keeping of the birds, dogs or other animals claimed by such appellant if final judgment is rendered against them, and to abide the judgment of the court thereon. Upon the final judgment, the birds, dogs or other animals held in custody to abide such judgment shall be disposed of, under the direction of the superior court, in like manner as the court or justice might have disposed of them if no appeal had been taken. During the pendency of the appeal, all birds, dogs or other animals adjudged forfeited shall be kept in custody in a place other than that from which they were taken.

MASS. GEN. LAWS ch. 272, § 93. Expenses of Care, etc., of Birds, etc.

The necessary expenses incurred in the care and destruction of such birds, dogs and other animals may be allowed and paid in the same manner as expenses in criminal prosecutions.

MASS. GEN. LAWS ch. 272, § 104. Seizure of Animals; Posting Security.

- (a) As used in this section, the word “authority” shall mean an organization or the authorized agent of an organization that seizes or impounds an animal pursuant to the General Laws.
- (b) If an animal is seized or impounded pursuant to section 112 of chapter 266 or section 77, 77C or 94 of chapter 272 resulting in the issuance of a criminal complaint or a criminal indictment, the authority or prosecuting agency, including the district attorney or attorney general, may file a petition with the court requesting that the person from whom the animal was seized or a person claiming an interest in the seized animal be ordered to post a security. The authority or prosecuting agency shall serve a copy of the petition on the person from whom the animal was seized or who is claiming an interest in the seized animal; provided, however, that if such a person cannot be found, service may be made by posting a copy of the petition at the place from which the animal was seized. If the petition is filed by the authority, the authority shall also serve a copy of the petition on the prosecuting agency.
- (c) The security shall be in an amount sufficient to secure payment for the reasonable expenses incurred by the authority that has custody of the seized or impounded animal and the reasonable expenses anticipated by the authority. In determining the amount of the security, expenses shall be calculated from the date of seizure or impoundment and

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continue until the authority ends custody of the animal; provided, however, that the amount shall be determined for a period of not less than 30 days. The amount of the security shall be determined by the court upon the recommendation of the authority. Reasonable expenses shall include, but shall not be limited to, estimated medical care, quarantine costs, shelter and board.

- (d) When a security is posted in accordance with this section, the authority may draw from the security the actual, reasonable costs incurred for medical care, quarantine costs, shelter, board and any other expenses ordered by the court. If the expenses already incurred by the seizing authority at the time of judicial decision on the petition exceed the petitioned for security amount, the court may order the security to be paid in its entirety to the authority through the court or directly from the respondent to the authority, as the court deems appropriate in the interest of justice.
- (e) If the court orders the posting of a security, the security shall be posted with the clerk within 10 business days of the court's allowance of the petition. The defendant's failure to post the security within the appointed time shall be deemed an immediate forfeiture of the seized animal to the authority. The court may waive the security requirement or reduce the amount of the security for good cause. The court may extend the time for posting the security with the clerk; provided, however, that the time between the court's allowance of the petition and the posting shall be not more than 20 business days.
- (f) *The posting of the security shall not prevent the authority from euthanizing the seized or impounded animal for humane reasons before the expiration of the period covered by the security; provided, however, that the euthanasia shall be done in a humane manner.*
- (g) *The authority may humanely transfer or euthanize the animal at the end of the period for which expenses are covered by the security if a transfer or euthanasia is ordered by the court. If the transfer or euthanasia order is denied, the court may require the animal's owner or custodian or any other person claiming interest in the animal to provide an additional security to secure payment of reasonable expenses and to extend the period of time pending adjudication by the court of the charges against the person from whom the animal was seized.*
- (h) *The owner or custodian of an animal, or a person claiming interest in such an animal pursuant to this section, that is humanely transferred or euthanized shall not be entitled to recover damages or the actual value of the animal if the owner, custodian or other person failed to post the required security.*
- (i) The court may direct a refund to the person who posted the security in whole or part, for expenses not incurred by the authority. The court may direct a refund to the person who posted security upon acquittal of the charges.

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15. COURT-ORDERED TREATMENT

MASS. GEN. LAWS ch. 272, § 80 ½. Devocalization of dogs or cats; definitions; penalty; exceptions; records.

- (a) For the purposes of this section, the following words shall have the following meanings:-
-
- “Board”, the board of registration in veterinary medicine.
- “Devocalization”, a procedure on the larynx or vocal cords of an animal which causes the reduction or elimination of vocal sounds produced by that animal.
- (b) Whoever performs, or causes to be performed, the surgical devocalization of a dog or cat shall be punished by imprisonment in the state prison for not more than 5 years or imprisonment in a house of correction for not more than 2 ½ years, or by a fine of not more than \$2,500 or by both such fine and imprisonment. *In addition to this penalty, the court may order that any person who violates this section shall successfully complete a course of instruction relative to the humane treatment of animals or be barred from owning or keeping a dog or cat or sharing a residence with another who owns or keeps a dog or cat for a period of time as determined by said court.*
- (c) Subsection (b) shall not apply if:
- (1) the person performing such devocalization is licensed under section 55 of chapter 112; and
 - (2) surgical devocalization of a dog or cat is medically necessary to treat or relieve an illness, disease or injury or to correct a congenital abnormality that is causing or may cause the animal physical pain or harm; or
 - (3) the person who causes a devocalization procedure to be performed is relying upon the opinion of a person licensed under section 55 of chapter 112 that surgical devocalization of the dog or cat is medically necessary to treat or relieve an illness, disease or injury or to correct a congenital abnormality that is causing or may cause the animal physical pain or harm.
- (d) A veterinarian who performs a surgical devocalization procedure on a dog or cat shall keep a record of the procedure for a period of 4 years after the last contact with the animal. This record shall include: the name and address of the animal’s owner; the name and address of the person from whom payment is received for the procedure; a description of the animal, including its name, species, breed, date of birth, sex, color, markings and current weight; the license number and municipality that issued the license for the animal; the date and time of the procedure; the reason the procedure was performed; and any diagnostic opinion, analysis or test results to support the diagnosis. These records shall be subject to audit by the board.
- Any person who performs a devocalization procedure on a dog or cat shall report the number of all such procedures to the board annually on or before March 30. The board shall maintain all notices received under this subsection for 4 years from the date of receipt.

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Records maintained under this subsection shall not be considered a public record, as defined in clause twenty-sixth of section 7 of chapter 4 or section 10 of chapter 66, and these records shall not be publicly disseminated.

- (e) The board shall, annually on or before March 1, report to the joint committee on the environment, natural resources and agriculture the number of animals that were the subject of devocalization notices received under subsection (d).
- (f) Whoever being licensed under section 55 of chapter 112 violates any provision of this section shall be subject to the suspension or revocation of such license under section 59 of said chapter 112 and 256 CMR 7.00.

ANIMAL PROTECTION LAWS OF MASSACHUSETTS**16. HOT CARS****MASS. GEN. LAWS ch. 140, § 174F. Confinement of animal in a motor vehicle causing exposure to extreme heat or cold; protection of animal by animal control or law enforcement officer or fire fighter; penalties.**

- (a) *A person shall not confine an animal in a motor vehicle in a manner that could reasonably be expected to threaten the health of the animal due to exposure to extreme heat or cold.*
- (b) *After making reasonable efforts to locate a motor vehicle's owner, an animal control officer, as defined in section 136A, law enforcement officer or fire fighter may enter a motor vehicle by any reasonable means to protect the health and safety of an animal. An animal control officer, law enforcement officer or fire fighter may enter the motor vehicle for the sole purpose of assisting the animal and may not search the vehicle or seize items found in the vehicle unless otherwise permitted by law.*
- (c) *An animal control officer, law enforcement officer or fire fighter who removes or otherwise retrieves an animal under this section shall leave written notice in a secure and conspicuous location on or in the motor vehicle bearing the officer's or fire fighter's name and title and the address of the location where the animal may be retrieved. The owner may retrieve the animal only after payment of all charges that have accrued for the maintenance, care, medical treatment and impoundment of the animal.*
- (d) *An animal control officer, law enforcement officer or fire fighter who removes or otherwise retrieves an animal from a motor vehicle under subsection (b), and the agency or municipality that employs the officer or fire fighter shall be immune from criminal or civil liability that might otherwise result from the removal.*
- (e) *After making reasonable efforts to locate a motor vehicle's owner, a person other than an animal control officer, law enforcement officer or fire fighter shall not enter a motor vehicle to remove an animal to protect the health and safety of that animal in immediate danger unless the person: (i) notifies law enforcement or calls 911 before entering the vehicle; (ii) determines that the motor vehicle is locked or there is no other reasonable means for exit and uses not more force than reasonably necessary to enter the motor vehicle and remove the animal; (iii) has a good faith and reasonable belief, based upon known circumstances, that entry into the vehicle is reasonably necessary to prevent imminent danger or harm to the animal; and (iv) remains with the animal in a safe location in reasonable proximity to the vehicle until law enforcement or another first responder arrives.*
- (f) *A person who removes an animal from a motor vehicle pursuant to subsection (e) shall be immune from criminal or civil liability that might otherwise result from the removal.*
- (g) *A violation of subsection (a) shall be a civil infraction punishable by a fine of not more than \$150 for a first offense, by a fine of not more than \$300 for a second offense and by a fine of not more than \$500 for a third or subsequent offense.*
- (h) *Nothing in this section shall preclude prosecution under section 77 of chapter 272.*

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

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17. CIVIL NUISANCE ABATEMENT

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18. AG-GAG LAWS

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19. BREED SPECIFIC LEGISLATION
