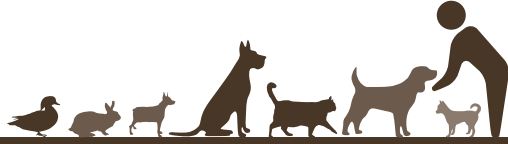


ANIMAL POSSESSION BAN



AN ACT TO PROTECT ANIMALS FROM CONVICTED ANIMAL ABUSERS (H.1824/S.1111)

FILED BY REPRESENTATIVE **TRAM NGUYEN**,
REPRESENTATIVE **BRAD HILL**, AND SENATOR **MIKE MOORE**

This bipartisan animal protection legislation would prevent a person convicted of certain animal cruelty crimes — including torture, mutilation, and dogfighting — from possessing, adopting, fostering, or exercising control over an animal for a period of time.

Current Massachusetts law prohibits a person convicted of felony animal cruelty from working with animals. However, it only explicitly allows courts to prohibit animal possession after a conviction of animal sexual abuse.

Possession bans are one of the most effective ways to ensure a person convicted of animal cruelty does not reoffend. Placing reasonable restrictions on owning or exercising control over animals following an animal cruelty conviction can help end the cycle of animal cruelty and reduce opportunities for recidivism.

EXTEND THE POSSESSION BAN TO THE MOST SERIOUS ANIMAL CRUELTY CRIMES:

CH. 272 §77
ANIMAL CRUELTY (E.G., TORTURE)

CH. 272 §77C
ANIMAL SEXUAL ABUSE

CH. 272 §80 ½
ANIMAL MUTILATION

CH. 272 §94-95
ANIMAL FIGHTING

A statutory possession ban would effectively create a streamlined and standardized process, while ensuring consistency and fairness by:

- Establishing a standard minimum duration for the possession ban of five years for a first offense and 15 years for a second or subsequent offense, while maintaining flexibility for courts to consider each case individually and extend the possession ban for any greater length of time deemed reasonable to protect animals;
- Facilitating enforcement of the possession ban by requiring the court to notify relevant authorities, including municipal animal control officers and dog licensing officials as well as officers with the MSPCA and Animal Rescue League of Boston; and
- Creating a straightforward petition process wherein a first-time offender convicted of certain animal cruelty crimes may appeal their possession ban status if they can demonstrate rehabilitation in a number of specific ways, including that they do not present a danger to animals, they have the ability to properly care for an animal, and they have successfully completed relevant classes and counseling deemed sufficient by the court.



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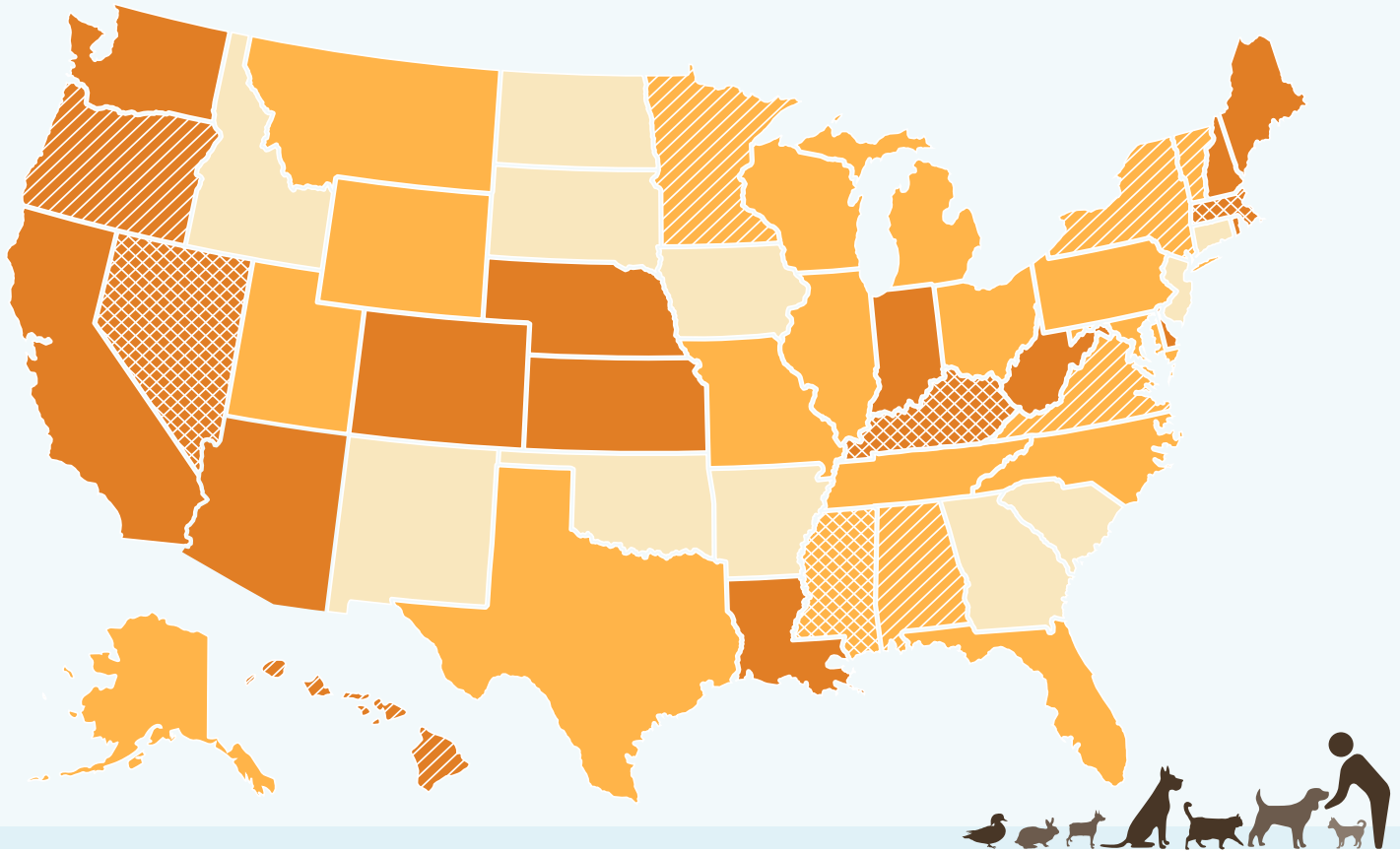
AS OF JUNE 2021, 39 STATES HAVE POSSESSION BAN LAWS

Eighteen states mandate possession bans after animal cruelty convictions and 21 states and D.C. statutorily authorize permissive possession bans, leaving adjudication up to the court's discretion. Unfortunately, several of these state statutes, including Massachusetts' current statute, are limited to specific crimes or are limited to possession of certain types of animals.

NATIONAL TREND

Between 2018 and 2019, 12 states created or strengthened their existing possession bans. In 2020, four states — California, Mississippi, Tennessee, and Washington — expanded their existing possession ban laws. In 2021, Arizona created a mandatory possession ban law and the Texas legislature passed legislation expanding their permissive ban beyond animal sexual abuse to other serious animal cruelty crimes.

ANIMAL POSSESSION BAN LAWS



To help end the cycle of animal cruelty and protect animals in need in Massachusetts, visit [**aldf.org/possession**](https://aldf.org/possession).