HOUSE DOCKET, NO. 3435 FILED ON: 2/18/2011

HOUSE . . . . . No. 3682

The Commonwealth of Massachusetts

PRESENTED BY:

***John D. Keenan*, (BY REQUEST)**

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to establishing an animal abuse registry.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Kristin Hardy	*13 Mall Street* *Salem MA 01970*
William Feagin	*23 Green Street #2* *Salem, MA 01970*

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HOUSE . . . . . No. 3682

By Mr. Keenan of Salem (by request), a petition (accompanied by bill, House, No. 3682) of Kristin Hardy and William Feagin for legislation to establish an animal abuse registry within the Department of Criminal Justice Information Services. The Judiciary.

The Commonwealth of Massachusetts

An Act relative to establishing an animal abuse registry.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 272 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting, after section 84, the following section:-

Section 84A.

(a) The following words as used in this section and in section shall, unless context otherwise requires, have the following meanings:-

"Animal abuser", means any person convicted of an animal abuse crime.

"Animal abuse crime", means the commission of any crime against an animal under sections 77 through 81 of this chapter, inclusive, or comparable animal cruelty statutes of the commonwealth or any other state.

"Animal breeder", means any entity engaged in the practice of facilitating the reproduction of animals for the purpose of distributing the resulting offspring to one or more other individuals or entities.

"Animal shelter", means a public animal control facility, or any other facility which is operated by any organization or individual for the purpose of protecting animals from cruelty, neglect, or abuse.

"Conviction" or "convicted of", means adjudication of guilt, plea of guilty or nolo contendere, or continuance without a finding in a court of competent jurisdiction of the commonwealth or any other state of an animal abuse crime.

"Department", means the department of criminal justice information services.

20 “Pet store” means every place or premise where birds, , fish, mammals or reptiles are
21 kept

22 for the purpose of sale at either wholesale or retail, import, export, barter, exchange or
23 gift.

24 “Registry” means the Massachusetts animal abuse registry.

25 (b) The department shall create and maintain a central public registry known as the
26 Massachusetts animal abuse registry. The registry shall be public record and available for
27 inspection and search to all persons online. Subject to subsection (e) of this section, the registry
28 shall maintain all information submitted to it under this section for a period of five years from
29 the date of submission. The department shall have the authority to promulgate regulations
30 necessary for the implementation and maintenance of this section.

31 (c) All persons aged 14 or older who reside in or relocate from another state to the
32 commonwealth and who are or have been convicted of an animal abuse crime on or after the
33 effective date of this section shall register as an animal abuser with the registry within 10 days
34 after conviction, relocation, or, if incarcerated, release from incarceration. Every animal abuser
35 required to register under this section shall (i) submit his or her name, aliases, current residential
36 address, a recent photograph showing the head and shoulders from the front, the nature and
37 location of the animal abuse crime and section of the General Laws convicted under, and the
38 punishment for conviction, (ii) update his or her registration information where the animal abuser
39 changes residential address, name, or substantially changes physical appearance, and (iii) pay an
40 annual fee of $50 to the department for administrative and maintenance costs of the registry.

41 (d) Any animal abuser who fails to register, update information, or pay annual fees under
42 this section shall be punished by incarceration in the house of corrections for one year or fined
43 $1,000, or both.

44 (e) Any animal abuser convicted of a second animal abuse crime shall be punished in the
45 house of corrections for not less than 5 years and fined $5,000. The registry shall maintain
46 animal abuser information submitted regarding conviction of a second animal abuse crime for a
47 period of 10 years. Any animal abuser convicted of an animal abuse crime for a third time shall
48 be punished in the house of corrections for not less than five years and fined $10,000. The
49 registry shall maintain animal abuser information submitted regarding conviction of a third
50 animal abuse crime for the remainder of the animal abuser’s natural life. Any animal abuser
51 convicted of a fourth or subsequent animal abuse crime shall be punished in the house of
52 corrections for not less than 7 years and fined $20,000.

53 (f) Animal abusers convicted under this section shall not purchase, own, or otherwise
54 hold a position of responsibility over animals while listed on the registry.

55 (g) All animal shelters, breeders, or pet stores doing business in the commonwealth shall
56 search the registry for the name and address of any person seeking to adopt, purchase, own, or
57 work with animals, and no animal shelter, breeder, or pet stores doing business in the
58 commonwealth shall allow a person listed on the registry to adopt, purchase, own, or work with
59 animals. Any animal shelters, breeders, or pet stores doing business in the commonwealth who
60 fail to check the registry under this section and who allow a registered animal abuser to adopt,
61 purchase, own, or work with animals in violation of this section shall (i) be punished in the house
62 of corrections for not more than one year or fined $1,000, or both, for a first offense, (ii) be
63 punished in the house of corrections for not more than five years or fined $5,000, or both, and
64 (iii) be closed or prohibited from doing business with or concerning animals in the
65 commonwealth indefinitely.