

HOUSE No. 727

By Ms. Callahan of Sutton, petition of Jennifer M. Callahan and others relative to establishing protective measures for abused animals. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

PETITION OF:

Jennifer M. Callahan Christine E. Canavan
Kathi-Anne Reinstein John W. Scibak

In the Year Two Thousand and Seven.

AN ACT ESTABLISHING PROTECTIVE MEASURES FOR ABUSED ANIMALS IN CASES OF DOMESTIC ABUSE.

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

1 SECTION 1. Breeding Kennel
2 Section 136A of chapter 140 of the General Laws, as appearing
3 in the 2002 Official Edition, is hereby amended by adding after the
4 definition for “adoption” the following new definition:
5 “Breeding kennel”, a facility where 5 or more dogs, or cats are
6 kept in a single location for the purpose of breeding or buying,
7 selling or in any way exchanging dogs or cats for value.

1 SECTION 2. Companion Animal
2 Section 136A of Chapter 140 of the General Laws, as appearing
3 in the 2002 Official Edition, is hereby amended by adding after the
4 definition for “commissioner” the following new definition:
5 “Companion animal”, a cat, dog or any animal kept as a pet.

1 SECTION 3. Companion Livestock
2 Section 136A of Chapter 140 of the General Laws, as appearing
3 in the 2002 Official Edition, is hereby amended by adding after the
4 definition for “commissioner” the following new definition:

5 “Companion livestock”, livestock treated as pets and not used,
6 possessed or kept for commercial or agricultural purposes.

1 SECTION 4. Foster Home

2 Section 136A of Chapter 140 of the General Laws, as appearing
3 in the 2002 Official Edition, is hereby amended by adding after the
4 definition for “dog officer” the following new definition:

5 “Foster home” means a facility or private residence that provides
6 temporary shelter for up to 4 companion animals or 3 companion
7 animals and 3 unweaned litters of stray, abandoned, abused or
8 owner-surrendered companion animals in a calendar year.

1 SECTION 5. Endangerment

2 Chapter 272 of the General Laws, as appearing in the 2002 Offi-
3 cial Edition, is hereby amended in Section 77 by adding the
4 following new section:

5 Section 77A. Endangerment

6 A person is guilty of endangering the welfare of a companion
7 animal or companion livestock if that person:

8 A. Knowingly or recklessly acts in a manner likely to be injurious
9 to the physical welfare of a companion animal or companion live-
10 stock as defined in section 136A of chapter 140 of the General
11 Laws; or

12 B. Is an owner or keeper legally charged with the care or custody
13 of a companion animal or companion livestock and fails or refuses
14 to exercise reasonable diligence, care or control in any action that
15 places in jeopardy the physical well-being of the companion animal
16 or companion livestock.

17 C. Penalties: Endangering the welfare of a companion animal or
18 companion livestock is punishable pursuant to section 77 of chapter
19 272 of the General Laws.

1 SECTION 6. Abuse prevention: Remedies/Orders

2 Section 3 of chapter 209A of the General Laws, as appearing in
3 the 2002 Official Edition, is hereby amended after section (i) by
4 adding the following new section:

- 5 (j) Ordering the care, custody or control of any companion animal
6 or companion livestock owned, possessed, leased, kept or held by
7 either party or a minor child residing in the household.