

HOUSE No. 1527

By Mr. Kafka of Stoughton, petition of Louis L. Kafka and others relative to the penalty for spectating at or creating depictions of animal fighting or cruelty. The Judiciary.

The Commonwealth of Massachusetts

PETITION OF:

Louis L. Kafka
Scott P. Brown
Timothy J. Toomey, Jr.
Anne M. Gobi
Carl M. Sciortino, Jr.
Christine E. Canavan
Jennifer M. Callahan

In the Year Two Thousand and Seven.

AN ACT RELATING TO SPECTATING AT OR CREATING DEPICTIONS OF ANIMAL FIGHTING OR CRUELTY.

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. Section 95 of Chapter 272 of the General Laws, as
2 appearing in the 2002 Official Edition, is hereby amended by
3 striking out the words “two hundred and fifty dollars or by imprison-
4 ment for not more than one month, or both” and inserting in place
5 thereof the following words:— “\$1,000 or by imprisonment in the
6 state prison for not more than 5 years or imprisonment in the house
7 of correction for not more than 2 ½ years or by both such fine and
8 imprisonment”

1 SECITON 2. Chapter 272 is hereby amended by inserting after
2 section 95 the following section:—
3 Section 95A. (a) “Depiction of animal cruelty” means any visual
4 or auditory depiction, including but not limited to any photograph,
5 movie, video recording, electronic image, electronic series of
6 images, or electronic movie, whether preserved in fixed media or
7 equipment or available via the Internet, downloadable, streaming or
8 otherwise, or sound recording, that would constitute a violation of
9 sections 77 or 94 of Chapter 272 or Section 112 of Chapter 266.

10 (b) "Person" shall include all individuals, corporations, business
11 entities, organizations, clubs and associations, whether or not oper-
12 ated for profit.

13 (c) For any of the purposes of this statute, any person who has
14 knowingly or intentionally placed or hosted on the Internet, or
15 caused to be placed or hosted on the Internet any depiction of animal
16 cruelty, by so doing shall be deemed to have consented to personal
17 jurisdiction within the Commonwealth of Massachusetts.

18 (d) No person may knowingly create, purchase, rent, possess,
19 lease, host on a computer, server, or Internet location a depiction of
20 animal cruelty. Any person convicted of violating this provision
21 shall be punished by a fine of not more than \$500 or by imprison-
22 ment in the house of correction for not more than 1 year or by both
23 such fine and imprisonment.

24 (e) No person may sell, market, lease, offer to market or sell a
25 depiction of animal cruelty or place that depiction in commerce for
26 commercial gain or entertainment. Any person convicted of vio-
27 lating this provision shall be punished by a fine of not more than
28 \$1,000 or by imprisonment in the house of correction for not more
29 than 2 years or by both such fine and imprisonment.

30 (f) Nothing in this section shall apply to serious religious, polit-
31 ical, scientific, educational, law enforcement or humane investigator
32 training, journalistic, artistic, or historical value.