

## **COMMON MASSACHUSETTS ANIMAL WELFARE OFFENSES**

### **Animal Cruelty - G.L. c. 272, § 77**

#### **FELONY**

Overdriving, overloading, overworking, torturing, tormenting, depriving of necessary sustenance, cruelly beating, cruelly mutilating, cruelly killing

Using a live animal in a cruel or inhumane manner in a race, game, or contest, or train to do so (animal fighting)

Inflicting unnecessary cruelty; or unnecessarily failing to provide proper food, drink, shelter, sanitary environment, or protection from weather

Willfully abandoning an animal

Cause an animal to be carried in a vehicle in a cruel or inhumane way or in a way that might endanger the animal

272/77/A **ANIMAL, CRUELTY TO** c272 §77

(Effective 11/18/14)

on [DATE OF OFFENSE:] did overdrive, overload, drive when overloaded, overwork, torture, torment, deprive of necessary sustenance, cruelly beat, mutilate or kill an animal, or did cause or procure such, or did use in a cruel or inhuman manner in a race, game or contest, or in training therefor, as lure or bait a live animal other than an animal used as lure or bait in fishing, in violation of G.L. c.272, §77. (PENALTY: state prison not more than 7 years; or house of correction not more than 2½ years; or not more than \$5000 fine; or both such fine and imprisonment; shall be required to surrender custody of such animal to humane society; and shall be prohibited from working in contact with animals. District courts and the divisions of the Boston municipal court department shall have original jurisdiction, concurrent with the superior court.)

272/77/B **ANIMAL, CRUELTY TO BY CUSTODIAN** c272 §77

(Effective 11/18/14)

on [DATE OF OFFENSE:] having the charge or custody of an animal, did inflict unnecessary cruelty upon it, or unnecessarily fail to provide it with proper food, drink, shelter, sanitary environment or protection from the weather, or as owner, possessor, or person having the charge or custody of an animal did cruelly drive or work it when unfit for labor, or willfully abandon it, or carry it or cause it to be carried in an unnecessarily cruel or inhuman manner or in a manner which might endanger the animal, or did knowingly and wilfully authorize or permit it to be subjected to unnecessary torture, suffering or cruelty, in violation of G.L. c.272, §77. (PENALTY: state prison not more than 7 years; or house of correction not more than 2½ years; or not more than \$5000 fine; or both such fine and imprisonment; shall be required to surrender custody of such animal to humane society; and shall be prohibited from working in contact with animals. District courts and the divisions of the Boston municipal court department shall have original jurisdiction, concurrent with the superior court.)

### **Malicious Killing or Injury to Domestic Animals - G.L. c. 266, § 112**

#### **FELONY**

Willfully and maliciously kills, maims, or disfigures and horse, cattle, or other animal of another person

Willfully and maliciously administers or exposes poison with intent that it shall be taken or swallowed by any such animal

Malice = Conduct motivated by cruelty, hostility or revenge

266/112/A **ANIMAL, MALICIOUS KILLING OR INJURY TO DOMESTIC** c266 §112

(Effective 11/18/14)

on [DATE OF OFFENSE:] did wilfully and maliciously kill, maim or disfigure any horse, cattle or other animal of another person, in violation of G.L. c.266, §112. (PENALTY: state prison not more than 7 years; or house of correction not more than 2½ years; or not more than \$5000 fine; or both such fine and imprisonment.)

266/112/B **ANIMAL, MALICIOUSLY POISON DOMESTIC** c266 §112

(Effective 11/18/14)

on [DATE OF OFFENSE:] did wilfully and maliciously administer or expose poison with intent that it shall be taken or swallowed by any horse, cattle or other animal of another person, in violation of G.L. c.266, §112. (PENALTY: state prison not more than 7 years; or house of correction not more than 2½ years; or not more than \$5000 fine; or both such fine and imprisonment.)

### **Confining and Tethering of Dogs - G.L. c. 140, § 174E**

#### **CIVIL CITATION**

First Offense - Written warning or fine of not more than \$50

Second Offense - Fine of not more than \$200

Third Offense - Fine of not more than \$500

## **Animal Fighting - G.L. c. 272, § 94**

### **FELONY**

Owens, possesses or trains a bird, dog, or other animal with the intent to have the animal engaged in exhibition or fighting

Establishes or promotes an exhibition of the fighting of birds, dogs or other animals

Loans, sells, exports or transfers a bird, dog or other animal for the purpose of animal fighting

Owens, possesses or keeps a bird, dog or other animal with the purpose of breeding the animal with the intent that the offspring be used in fighting

272/94 **ANIMAL FIGHT, KEEP/PROMOTE** c272 §94

(Effective 4/30/07)

on [DATE OF OFFENSE:] did: (1) own, possess, keep or train a bird, dog or other animal, with intent that it be engaged in an exhibition of fighting; or (2) did establish or promote an exhibition of the fighting of birds, dogs or other animals; or (3) did loan, sell, export or otherwise transfer a bird, dog or other animal for the purpose of animal fighting; or (4) did own, possess or keep a bird, dog or other animal for the purpose of breeding such animal with the intent that its offspring be used for animal fighting, in violation of G.L. c.272, §94. (PENALTY: state prison not more than 5 years; or house of correction not more than 1 year; or not more than \$1000 fine; or both such fine and imprisonment; (§77:) and shall be required to surrender custody of such animal to humane society.)

## **Aiding or Being Present at an Exhibition for Animal Fighting - G.L. c. 272, § 95**

### **FELONY**

Anyone who is present at an establishment which is being prepared for an animal fight with the intent to attend an animal fight

Anyone who is present and aids or contributes to an animal fight

272/95 **ANIMAL FIGHT, PRESENCE AT** c272 §95

(Effective 4/5/09)

on [DATE OF OFFENSE:] was present at a place, building or tenement where preparations were being made for an exhibition of the fighting of birds, dogs or other animals, with intent to be present at such exhibition, in violation of G.L. c.272, §95. (PENALTY: state prison not more than 5 years; or house of correction not more than 2½ years; or not more than \$1000 fine; or both.)

## **Animal Sexual Abuse - G.L. c. 272, § 77C**

### **FELONY**

Sexual contact includes: (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; (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.

Advertising, offering, accepting an offer for, selling, transferring, purchasing or otherwise obtaining an animal with the intent that the animal be used for sexual contact

Organizing, promoting, conducting or knowingly participating in as an observer such an act

Causing, aiding or abetting another person to engage in such an act

Knowingly permitting sexual contact with an animal to be conducted on any premises under the person's control

Inducing or otherwise enticing a child under 18 or a person with a developmental or intellectual disability to engage in such an act

Engaging in such an act in the presence of a child or a person with a developmental or intellectual disability

Forcing another to engage in sexual contact with an animal

Disseminating photographs, videotapes or other depictions of prohibited sexual contact