

SB1159 - An Act to protect animal welfare and safety in cities and towns	
Sponsor:	Sen. Tarr, Bruce (R)
Cosponsors:	Former Rep. Heroux, Paul (D) ; Former Rep. Miceli, James (D) ; Rep. Arciero, James (D); Rep. Berthiaume Jr., Donald (R); Rep. Campbell, Linda (D); Rep. Connolly, Mike (D); Rep. Decker, Marjorie (D); Rep. DiZoglio, Diana (D); Rep. DuBois, Michelle (D); Rep. Ehrlich, Lori (D); Rep. Garry, Colleen (D); Rep. Gregoire, Danielle (D); Rep. Kane, Hannah (R); Rep. Kaufman, Jay (D); Rep. Lawn, Jr., John (D); Rep. Lewis, Jack (D); Rep. Murray, Brian (D); Rep. Provost, Denise (D); Rep. Puppolo, Jr., Angelo (D); Rep. Ryan, Daniel (D); Rep. Scibak, John (D); Sen. Barrett, Michael (D); Sen. Brownsberger, William (D); Sen. DiDomenico, Sal (D); Sen. Eldridge, James (D); Sen. Humason, Jr., Donald (R); Sen. Lewis, Jason (D); Sen. Lovely, Joan (D); Sen. Montigny, Mark (D); Sen. Moore, Michael (D); Sen. O'Connor, Patrick (R); Sen. Pacheco, Marc (D); Sen. Ross, Richard (R); Sen. Rush, Michael (D); Sen. Timilty, Walter (D)
Related Bills:	HB2419, SB2332
Summary:	Amends various laws regarding animal cruelty in the commonwealth; increases fines imposed for violation of dog control laws, and adds a fine of \$50 for an initial offense; increases the penalty for violation of laws related to the licensing and registration of dogs, the operation of kennels and the sale or delivery of unlicensed dogs from \$50 to \$500 for an initial offense, and for \$1,000 for a subsequent offense; requires animal control officers to report suspected abuse of elderly persons or disabled persons discovered in the course of their duties; requires employees of the disabled persons protection commission, the department of elder affairs, or contractors for the departments, to report suspected animal cruelty, abuse or neglect discovered in the course of their duties; amends the reporting of animal cruelty, abuse or neglect by employees or contractors of the department of children and families discovered in the course of their duties under GL 119:85; changes numerous areas of the criminal code regarding animal cruelty; prohibits the euthanization of animals by drowning and imposes criminal fines and terms of imprisonment; imposes fines for the listed crimes related to animal cruelty, including willfully injuring police dogs and horses, exhibition of wild animals, sale of foals under five months, devocalization of cats and dogs and cropping or cutting of dog ears; prohibits homeowners and insurers rental policies from refusing to cover damage from certain breeds of dogs; requires apartment lessors to inspect the premises for abandoned animals within 3 days of the property being vacated; requires lessors to inform animal services of any abandoned animals and imposes a fine up to \$500 for a first offense and up to \$1,000 for each subsequent offense for failure to do so.
Filed Text PDF:	http://instatracc.com/MA/2017_2018/pdfs/SB1159.FIL.pdf

Citations:	MGL 10:35WW, MGL 19A, MGL 19A:15, MGL 19C, MGL 19C:1, MGL 22C:57, MGL 112, MGL 119:21, MGL 119:85, MGL 186A, MGL 131:19B, MGL 140, MGL 140:141, MGL 140:173A, MGL 175, MGL 186, MGL 233:20B, MGL 239, MGL 239:4, MGL 244, MGL 266:112, MGL 272:77, MGL 272:79, MGL 272:80E, MGL 272:91, MGL 272:94, MGL 276:58A; MGL 186:30 MGL 244:41
Categories:	Business; Business - Business Regulation; Business - Food/Agriculture; Business - Pets/Animals/Zoos; Crimes; Crimes - Property Crimes; Crimes - Sex Crimes; Domestic Relations; Domestic Relations - Wills/Trusts/Probate; Environment; Environment - Clean Air/Water; Health Care; Health Care - Health Professionals; Housing; Housing - Landlord/Tenant; Human Services; Human Services - Abuse/Neglect; Human Services - Disabled Persons; Human Services - Elderly/Aging; Human Services - Status Offenders; Insurance; Insurance - Medicaid/MassHealth; Judiciary; Judiciary - Civil Procedure; Judiciary - Courts; Judiciary - Criminal Procedure; Local Government; Public Safety; Public Safety - Police/Fire; Public Safety - Sex Offenders; State Government; State Government - Constitutional Officers; State Government - Governor/Executive; State Government - Pensions/Retirement; State Government - Professional Licensure; State Government - State Employees;
Intro Date:	2017-01-21
Progress:	Referred to Committee
Status:	Reported favorably as amended by Joint Committee (REPA/J)
Last Action:	03/15/18 - S - New draft substituted - see SB2332
Complete History:	01/21/17 - S - Filed in the Senate 02/22/17 - S - Referred to Joint Committee on Municipalities and Regional Government 02/22/17 - H - Concurred in committee referral 10/10/17 - Hearing Scheduled (10/17/17 1:00 PM - Joint Committee on Municipalities & Regional Government Room 222) 11/14/17 - S - Reported favorably by Joint Committee on Municipalities and Regional Government 12/14/17 - S - Referred to Senate Committee on Rules 03/09/18 - S - Reported favorably as amended by Senate Committee on Rules 03/09/18 - S - New draft recommended - see SB2332 03/09/18 - S - Placed in the Orders of the Day for the next session (3/15/2018) with the amendment pending 03/15/18 - Senate Session (3/15/18 11:00 AM Gardner Auditorium) 03/15/18 - S - Amendment(s) adopted as amended (Senate Rules) 03/15/18 - S - New draft substituted - see SB2332
	10/17/17 - JMR - Public Hearing TESTIFIED IN SUPPORT Hillary Cohen, Animal Control Officer Town of Norfolk - [See testimony from Amanda Kennedy on this bill]

Cohen

When we write a civil citation for a first offense, the magistrate must dismiss it. Why even write a ticket when that is the case? That law is based on a calendar year. So if I cite someone in December, that resets in January. If I cite them again in January, that's not a second citation, it's a first citation. The link between animal abuse and interpersonal violence has been stressed repeatedly and I want to echo that point. We don't have a lot of foreclosures in my town but we have seen a few cases where the landlord knew there was an animal inside and did not reach out for help.

[See testimony from Martha Smith Blackmore on this bill]

[See testimony from Amanda Kennedy on this bill for relevant questions from the committee]

Martha Smith Blackmore, President Forensic Veterinary Investigations LLC - [See testimony from Amanda Kennedy on this bill]

[See testimony from Hillary Cohen on this bill]

Smith Blackmore

If an animal is too small to drink out of a toilet, it will die of thirst and starvation within three or four days with no human assistance. That's why we're mandating that vacated properties be searched for abandoned animals within three days. Making sure that the first citation sticks is important so that we can know when someone has a bad track record and is raising a dangerous dog.

[See testimony from Amanda Kennedy on this bill for relevant questions from the committee]

Laura Hagen, Deputy Director of Advocacy MSPCA - Hagen

Three weeks ago, six puppies were put in a potato sack and left to drown in a river. What many folks don't know is that in Massachusetts, people are allowed to inflict that same cruelty on wild animals. Other states have outlawed this practice because they recognize how inhumane it is. In Massachusetts, this has been a complicated issue because the state has chosen to ignore a Supreme Judicial Court precedent.

[See testimony from Lt. Alan Borgal on this bill]

Sen. Moore

How do you drown a fox if you catch it?

Hagen

People will put the whole cage in a barrel and then submerge the barrel in water.

Lt. Alan Borgal, Director of Law Enforcement Animal Rescue League of Boston - [See testimony from Laura Hagen on this bill]

Borgal

When you think of drowning, it's usually people putting wildlife in some kind of container and then

putting wildlife in some kind of container and then tossing them in the water. That's a very cruel death. In 2014, we responded to a case where a man caught a cat in a barrel and drowned it. He was put on probation and is prohibited from owning pets. Why is wildlife different from someone's pet? Animals are still animals.

[See testimony from Laura Hagen on this bill for relevant questions from the committee]

Amanda Kennedy, Director of Animal Care and Control

City of Boston - Kennedy

This legislation is the result of our task force. As an enforcement officer, I want to highlight a few things. Automatic dismissal rules are problematic for our enforcement. Eliminating those rules would help us do our jobs. This bill mandates animal control officers report child and elder abuse. I see many instances where we find animals in vacated housing. This bill would mandate that vacated properties be checked for abandoned animals within three days.

[See testimony from Hillary Cohen on this bill]

[See testimony from Martha Smith Blackmore on this bill]

Rep. O'Day

Can you tell me a bit more about the mandatory filing laws? How will we go from seeing mistreated animals to looking at more sinister things in the home?

Cohen

My residents know me. You can see the linkage between both sides. Sometimes it's very apparent and sometimes it's subdued. Law enforcement has prior records available, so any time I suspect child or elder abuse, I file that with the responsible agency. I'd rather be safe than sorry.

Smith Blackmore

Making the reporting requirement cut and dry would help reporting rates.

Carla Pivero, Detective Lieutenant

Massachusetts State Police - [See testimony from Elissa Flynn-Poppey on this bill]

[See testimony from Kara Holmquist on this bill]

Pivero

There are extremely compelling statistics connecting violence against humans and animal abuse. In my opinion, when you're looking at an individual's dangerousness, past behavior is the most important factor. Animal violence should be looked at the same way.

[See testimony from Elissa Flynn-Poppey on this bill for relevant questions from the committee]

Lt. Alan Borgal, Director of Law Enforcement

Animal Rescue League of Boston - [See testimony from Mary Nee on this bill]

Oral Testimony:

Borgal

We support the citations bills. This system works well for us when we can go into court with a ticket rather than a felony charge. It's effective in not tying up the court systems. We think the same principle that applies to pets can apply to farm animals as well.

[See testimony from Mary Nee on this bill for relevant questions from the committee]

Elissa Flynn-Poppey, Attorney

Mintz Levin - Flynn-Poppey

We spent a lot of time compiling a report on animal cruelty. We had 23 public meetings over 18 months. What came out of that was the recommendations for these bills. We think this is a balanced, common sense bill. One of the things we looked at was making sure animals are not languishing in certain situations. We need to help people as well. There's a link between animal abuse and domestic violence.

[See testimony from Kara Holmquist on this bill]

[See testimony from Carla Pivero on this bill]

Sen. Moore

Did the District Attorneys Association weigh in on this?

Flynn-Poppey

Yes. I do not believe they objected to the language in the task force's report. We sent the bill to them before it was finalized and I don't believe we got a response.

Sen. Moore

Has the medical field weighed in on the dangerousness part of the bill?

Flynn-Poppey

I don't believe so.

Kara Holmquist, Director of Advocacy

MSPCA-Angell - [See testimony from Elissa Flynn-Poppey on this bill]

Holmquist

When we were talking about a task force in 2014, I got a lot of funny looks from the legislature, but we are back with recommendations. This is a big bill with a lot of parts. Some people have said this bill tries to do too much but I disagree.

[See testimony from Carla Pivero on this bill]

[See testimony from Elissa Flynn-Poppey on this bill for relevant questions from the committee]

Mary Nee, President

Animal Rescue League Boston - Nee

I want to highlight one aspect of the bill - the mandated cross reporting of animal and human abuse. This bill would require investigators from various human services agencies to report animal abuse. Historically, animal abuse has been considered isolated and separate from family violence. But the link between domestic violence and animal abuse is becoming increasingly well

understood. The emotional impact on children who witness acts of cruelty can be lifelong and devastating. I believe this bill is an important tool for human service investigators. Victims are often uncomfortable to speak of their own abuse but are more willing to discuss the abuse of their pets. This can help investigators in their work.

[See testimony from Lt. Alan Borgal on this bill]

Sen. Moore

So you're looking to add a citation?

Borgal

Yes. We'll still have cases where prosecution is required but fines are effective when we can catch a case in the early stages. I think this would help the local authorities inspecting farms.

Nee

The statute currently only applies to dogs. This would extend the statute to apply to farm animals.

Borgal

You can teach farmers that there is a better way.