



The Commonwealth of Massachusetts

IN THE YEAR TWO THOUSAND FIVE

AN ACT RELATIVE TO PENALTIES FOR ANIMAL FIGHTING.

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

SECTION 1. Section 88 of Chapter 272 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting in line 14 after the word "found," the following words: including game hens, chicks, dogs or puppies that are used or kept for breeding or producing, or to be exchanged, sold or exported, in association with, or in support of, the furtherance of animal fighting, and take possession of all paraphernalia, implements, equipment or other property or things used or employed, or intended to be employed, in violation of any of the laws relating to fighting animals:

SECTION 2. Said Section 88 of Chapter 272 of the General Laws, is hereby further amended by inserting on line 16 after the word "trained" the following words: or bred:

SECTION 3. Section 89 of Chapter 272 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting in line 10 after the word "trained" the following words: or bred.

SECTION 4. Said Section 89 of chapter 272 of the General Laws, is hereby further amended by inserting in line 10 after the word "fighting," the following words: including game hens and chicks, dogs or puppies that are used or kept for breeding or producing, or to be exchanged, sold or exported, in association with, or in support of, the furtherance of animal fighting and all paraphernalia, implements, equipment or other property or things used or employed, or intended to be employed, in violation of any of the laws relating to fighting animals.

SECTION 5. Section 91 of chapter 272 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting in line 2 after the word "animals," the following words: including game hens, chicks, dogs or puppies that are used or kept for breeding or producing, or to be exchanged, sold or exported, in association with, or in support of the furtherance of animal fighting, and all paraphernalia, implements, equipment or other property or things used or employed, or intended to be used or employed, in the violation of any of the

provision of the laws relating to fighting animals.

SECTION 6. Said Section 91 of chapter 272 of the General Laws, is hereby further amended by, inserting in line 7 after the word "trained" the following words: or bred.

SECTION 7. Said Section 91 of Chapter 272 of the General Laws, is hereby further amended by inserting in line 8 after the word "they" the following words: or their offspring.

SECTION 8. Said Section 91 of Chapter 272 of the General Laws is hereby further amended by inserting in line 8 after the word "engaged," the following words: or any animals including game hens, chicks, dogs or puppies that are used or kept for breeding or producing, or to be exchanged, sold or exported, in association with, or in support of the furtherance of, animal fighting.

SECTION 9. Section 92 of Chapter 272 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting in line 12 after the word "animals," the following words: including game hens and chicks, dogs or puppies that are used or kept for breeding or producing, or to be exchanged, sold or exported, in association with, or in support of, the furtherance of animal fighting.

SECTION 10. Section 94 of Chapter 272 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting in line 1 after the word "trains" the following words: or breeds.

SECTION 11. Section 77 of Chapter 72 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking in line 25 the following words "may, after an appropriate hearing to determine the defendant's fitness for continued custody of the abused animal, be ordered to surrender or" and inserting in place thereof the following word: shall

SECTION 12. Section 77 of Chapter 72 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting in line 12 after the word "weather," the following words: or intentionally, knowingly or recklessly fails to provide veterinary care that a reasonably prudent person knows or should know is necessary to prevent suffering to an animal,

AN ACT TO PREVENT ANIMAL FIGHTING BILL SUMMARY (11-30-06)

JOINT COMMITTEE ON THE JUDICIARY
BILL SUMMARY

BILL NO. H 1765
TITLE: An Act to Prevent Animal Fighting
SPONSOR: Rep. Kafka
HEARING DATE: November 1, 2005
PRIOR HISTORY: Refile of H 1131

CURRENT LAW: Chapter 272 narrowly defines which animals can be seized if it is determined that they are being used in fighting. These animals are birds, dogs or "other animals." Application to the court is required for forfeiture of seized animals. Under the current law it is illegal to keep or train an animal with the intent that it is going to be used for fighting. Chapter 272 limits protection to the animals that are found being used in fighting or training for fighting.

SUMMARY:

**** Not only will the animals that are actually being used in fighting be seized but also the other animals that are being bred to fight and any other equipment. ****

The definition of "other animals" as it appears in C. 272 will be expanded to include game hens, chicks, dogs or puppies that are used or kept for breeding or producing, exchanged or sold in support of the furtherance of animal fighting. Any paraphernalia or equipment used in violation of this law as it relates to animal fighting can also be seized.

In sections 88, 89, 91 and 94 the word "bred" or "breeds" will be added to allow a court magistrate to issue a search warrant to take possession of any animal or arrest any person who not only keeps these animals but also breeds these animals.

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Senate, No. 2772

Presented by: Senator Robert L. Hedlund

Text of the amendment offered by Senator Hedlund as a new text to House, No. 1765, relative to penalties for animal fighting.

12/21/06 S See H1765 -SJ 3116

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LEXSEE 2005 BILL TRACKING MA HB 1765

MASSACHUSETTS BILL TRACKING

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2005 MA H.B. 1765

184TH GENERAL COURT -- 2005 REGULAR SESSION

HOUSE BILL 1765

2005 Bill Tracking MA H.B. 1765

Retrieve Bill Text Report

DATE-INTRO: JANUARY 5, 2005

LAST-ACTION: JANUARY 3, 2007; Chapter No. 434-2006

SYNOPSIS: Further regulates the use of animals for fighting; provides penalties and determination of a defendant's fitness for continued custody of the abused animal.**STATUS:**

01/05/2005	INTRODUCED.
01/05/2005	To JOINT Committee on JUDICIARY.
01/05/2005	Filed as House Docket 1287.
11/01/2005	In JOINT Committee on JUDICIARY; Heard. Eligible for Executive Session.
06/30/2006	From JOINT Committee on JUDICIARY: Ought to pass.
07/06/2006	To HOUSE Committee on STEERING, POLICY AND SCHEDULING.
08/07/2006	Discharged from HOUSE Committee on STEERING, POLICY AND SCHEDULING.
08/07/2006	To JOINT Committee on JUDICIARY.
10/26/2006	From JOINT Committee on JUDICIARY: Ought not to pass.
10/26/2006	To JOINT Committee on JUDICIARY.
10/30/2006	From JOINT Committee on JUDICIARY: Ought to pass as amended.
10/30/2006	To HOUSE Committee on STEERING, POLICY AND SCHEDULING.
11/06/2006	From HOUSE Committee on STEERING, POLICY AND SCHEDULING. Reported for consideration by HOUSE.
11/06/2006	In HOUSE. Read second time.
11/06/2006	Committee Amendment adopted on HOUSE floor.
11/06/2006	In HOUSE. Ordered to third reading.

11/30/2006 In HOUSE. Read third time. Passed HOUSE.
 *****To SENATE.

12/04/2006 To SENATE Committee on ETHICS and RULES.

12/21/2006 From SENATE Committee on ETHICS AND RULES.
 Reported for consideration by SENATE.

12/21/2006 In SENATE. Placed on the Orders of the Day.

12/21/2006 In SENATE. Read second time.

12/21/2006 In SENATE. Amended on floor by insertion of
 New Text. See S 2772.

12/21/2006 In SENATE. Ordered to a third reading.

12/21/2006 In SENATE. Rules suspended.

12/21/2006 In SENATE. Read third time. Passed SENATE.
 *****To HOUSE for concurrence.

12/26/2006 HOUSE refused to concur in SENATE amendments.

12/26/2006 Returned to SENATE for action.

12/28/2006 SENATE insists on its amendments.

12/28/2006 In HOUSE. Receded from its refusal to concur
 in SENATE amendments.

12/28/2006 HOUSE concurred in SENATE amendments.

12/28/2006 Passed Both Houses.

12/28/2006 *****To GOVERNOR.

01/03/2007 Signed by GOVERNOR.

01/03/2007 Chapter No. 434-2006

SUBJECT: LAW AND JUSTICE, CRIMINAL LAW, Criminal Law- Misc, RESOURCE MANAGEMENT AND
 PRESERVATION, ANIMALS AND WILDLIFE, Animals- Humane Treatment

SPONSOR: Kafka

SUBJECT: CRIMINAL LAW (90%);

LOAD-DATE: January 10, 2007

House, No. 1765**Presented by: Representative Louis L. Kafka**

Petition of Louis L. Kafka and others relative to further regulating the use of animals for fighting.

01/26/05 H Referred to the committee on The Judiciary

01/26/05 S Senate concurred

Public Hearing date Nov 1 pm at 1:00 in Room B-2

03/22/06 H Reprting date extended to Friday, June 30, 2006, pending concurrence -HJ 1310

04/04/06 S Extension order amended by striking out the date "Friday, June 30" and inserting in place thereof the date "Thursday, April 27" -SJ 1638

05/04/06 H House non-concurred in the Senate amendment -HJ 1614

05/08/06 S Senate receded from amendment and concurred in extension of Friday, June 30, 2006 -SJ 3071

07/06/06 H Bill reported favorably by committee and referred to the committee on House Steering, Policy and Scheduling -HJ 1853

08/07/06 H Discharged from committee and recommitted to the committee on The Judiciary -HJ 2160

10/26/06 H Committee recommended ought NOT to pass (under Joint Rule 10)

10/26/06 H Rules suspended

10/26/06 H Motion to recommit prevailed -HJ 2273

10/30/06 H Committee recommended ought to pass with an amendment and referred to the committee on House Steering, Policy and Scheduling -HJ 2278

11/06/06 H Rules suspended

11/06/06 H Read second, amended and ordered to a third reading -HJ 2284

11/30/06 H Read third and passed to be engrossed -HJ 2347

12/04/06 S Read; and referred to the committee on Senate Ethics and Rules

12/21/06 S Committee reported that the matter be placed in the Orders of the Day for the next session

12/21/06 S Rules suspended

12/21/06 S Read second

12/21/06 S Amended by striking out all after the enacting clause and inserting in place thereof the text of S2772

12/21/06 S Ordered to a third reading

12/21/06 S Read third and passed to be engrossed -SJ 3116

12/26/06 H Rules suspended

12/26/06 H House NON-concurred in the Senate amendment -HJ 2399

12/28/06 S Rules suspended

12/28/06 S Senate insisted on its amendment -SJ 3133

12/28/06 H House receded from its NON-concurrence

12/28/06 H House concurred in the Senate amendment -HJ 2405

12/28/06 H Enacted -HJ 2407

12/28/06 S Enacted and laid before the Governor -SJ 3138

01/03/07 G Signed by the Governor, Chapter 434 of the Acts of 2006

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