



**OPPOSE HB1319 – An Act to Protect Animals in Domestic Violence Cases  
(Rep. Clark)**

Referred to Joint Committee on the Judiciary

**PROBLEM:**

The research documenting the link between animal abuse and violence toward humans is increasing, particularly in cases of domestic violence. More education is needed to deal with this violence link.

**HISTORY:**

Judges in the Commonwealth currently have the power to write Restraining Orders (209A) including personal property (computers, furniture, vehicles, etc.), minor children and pets.

**WHAT THIS BILL DOES:**

1. It gives the possession, care and control of any animal or child to the plaintiff thereby assuming the defendant is the abuser.
2. It only protects an animal from abuse if the human plaintiff is being abused and seeks a restraining order.
3. It assumes that the plaintiff (person being abused) would be the better caretaker of the animal.
4. It does not define animal abuse, nor does it refer to other existing animal cruelty laws.
5. Directs the department of corrections to study the feasibility of expanding the service dog training program at MCI Framingham to accommodate dogs who need foster care placement due to domestic violence.

**WHY YOU SHOULD OPPOSE:**

1. This bill would raise the status of an animal/pet to the same legal status of a minor child. Pets are personal property and should be treated as such.
2. This bill is redundant in regard to the powers already granted to judges who write restraining orders.
3. Domestic Violence organizations are well aware of the link between spouse/animal abuse and are working to educate law enforcement.
4. This bill would potentially separate victims from their pets (i.e., a human shelter and an animal shelter) which is frequently a reason for continuing their abusive living situation.

**FOR MORE INFORMATION:**

**Massachusetts Federation of Dog Clubs and Responsible Dog Owners**

Virginia Rowland, President; Blackslate@aol.com; 978-424-1044

Julie Rembrandt Seeley, Corresponding Secretary; jrembrandtseeley@aol.com; 978-456-8644

MassFed: 05/21/09

**HOUSE . . . . . No. 1319**

The Commonwealth of Massachusetts

PRESENTED BY: Katherine Clark, Peter J. Koutoujian

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

**An Act to Protect Animals in Domestic Violence Cases.**

Katherine Clark 32nd Middlesex  
 Bruce E. Tarr First Essex and Middlesex  
 Cory Atkins 14th Middlesex  
 William N. Brownsberger 24th Middlesex  
 Steven J. D'Amico 4th Bristol  
 Sean Garballey 23rd Middlesex  
 Carolyn Dykema 8th Middlesex  
 Kay Khan 11th Middlesex  
 Denise Provost 27th Middlesex  
 Tom Sannicandro 7th Middlesex  
 Carl M. Sciortino, Jr. 34th Middlesex  
 Ellen Story 3rd Hampshire  
 Alice K. Wolf 25th Middlesex  
 Kenneth J. Donnelly Fourth Middlesex  
 Elizabeth A. Malia 11th Suffolk  
 Michael Brady 9th Plymouth  
 Michael F. Rush 10th Suffolk

Peter J. Koutoujian 10th Middlesex  
 Susan C. Tucker Second Essex and Middlesex  
 Jennifer Benson 37th Middlesex  
 Cheryl A. Coakley-Rivera 10th Hampden  
 Lori Ehrlich 8th Essex  
 Anne M. Gobi 5th Worcester  
 Kate Hogan 3rd Middlesex  
 Sarah K. Peake 4th Barnstable  
 Kathi-Anne Reinstein 16th Suffolk  
 John W. Scibak 2nd Hampshire  
 Theodore C. Speliotis 13th Essex  
 Geraldo Alicea 6th Worcester  
 Martha M. Walz 8th Suffolk  
 Ann-Margaret Ferrante 5th Essex  
 Denis E. Guyer 2nd Berkshire  
 Richard J. Ross 9th Norfolk

The Commonwealth of Massachusetts  
In the Year Two Thousand and Nine

**AN ACT TO PROTECT ANIMALS IN DOMESTIC VIOLENCE CASES.**

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 3 of chapter 209A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the word "minor" in line 6 the following words; ; ordering the possession, care and control of any animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household to the plaintiff. The court may order the defendant to refrain from abusing, threatening, taking, interfering with, transferring, encumbering, concealing, harming, or otherwise disposing of the animal; SECTION 2. Section 6 of said chapter 209A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after paragraph (7) the following paragraph: (8) assist the abused person in locating temporary shelter for any animals in the household, the safety of which may be threatened by remaining in the household; SECTION 3. The department of corrections shall study the feasibility of expanding the service dog training program at MCI Framingham to accommodate dogs who need foster care placement due to domestic violence. SECTION 4. Section 3 of chapter 258C of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following paragraph:-

Expenses incurred for veterinarian services as the direct result of injury to, or death of, an animal in a case of domestic violence, shall be compensable in accordance with this chapter; provided, however, that when claiming compensation for such expenses, the claimant must demonstrate an out of pocket loss or legal liability for payment of such expenses.