



**HB1466 – An Act Relative to the Sale of Dogfighting Paraphernalia
(Rep. Kafka)**
Referred to Joint Committee on the Judiciary

Position paper is in progress – see below for bill text.

FOR MORE INFORMATION:

Massachusetts Federation of Dog Clubs and Responsible Dog Owners

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HOUSE No. 1466

The Commonwealth of Massachusetts

PRESENTED BY:

Louis L. Kafka

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 relative to the sale of dogfighting paraphernalia.

Louis L. Kafka 8th Norfolk
Timothy J. Toomey, Jr. 26th Middlesex
Bruce E. Tarr First Essex and Middlesex
Walter F. Timilty 7th Norfolk

Bruce J. Ayers 1st Norfolk
Jennifer M. Callahan 18th Worcester
Anne M. Gobi 5th Worcester

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE SALE OF DOGFIGHTING PARAPHERNALIA.

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. Chapter 272 is hereby amended by inserting after section 95 the following section:- Section 95A. (a) "Dog fighting paraphernalia" refers to any visual or auditory depiction of specific illegal dog fights, including but not limited to any photograph, movie, video recording, electronic image, electronic series of images, or electronic movie, whether preserved in fixed media or equipment or available via the Internet, downloadable, streaming or otherwise, or sound recording, that would constitute a violation of sections 77 or 94 of chapter 272 or section 112 of chapter 266. (b) "Person" shall include all individuals, corporations, business entities, selling said paraphernalia for profit. (c) No person may knowingly create, sell, rent, or lease, any dog fighting paraphernalia deemed in violation of sections 77 or 94 of chapter 272 or section 112 of chapter 266. Any person convicted of violating this provision shall be punished by a fine of not more than \$500 or by imprisonment in the house of correction for not more than 1 year or by both such fine and imprisonment. (d) Nothing in this section shall apply to serious religious, political, scientific, educational, law enforcement or humane investigator training, journalistic, artistic, or historical value.

CURRENT LAW

Chapter 272: Section 77. Cruelty to animals

Section 77. Whoever overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates or kills an animal, or causes or procures an animal to be overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten, mutilated or killed; and whoever uses in a cruel or inhuman manner in a race, game, or contest, or in training therefor, as lure or bait a live animal, except an animal if used as lure or bait in fishing; and whoever, having the charge or custody of an animal, either as owner or otherwise, inflicts unnecessary cruelty upon it, or unnecessarily fails to provide it with proper food, drink, shelter, sanitary environment, or protection from the weather, and whoever, as owner, possessor, or person having the charge or custody of an animal, cruelly drives or works it when unfit for labor, or willfully abandons it, or carries it or causes it to be carried in or upon a vehicle, or otherwise, in an unnecessarily cruel or inhuman manner or in a way and manner which might endanger the animal carried thereon, or knowingly and willfully authorizes or permits it to be subjected to unnecessary torture, suffering or cruelty of any kind shall be punished by imprisonment in the state prison for not more than 5 years or imprisonment in the house of correction for not more than 2 1/2 years or by a fine of not more than \$2,500, or by both such fine and imprisonment.

In addition to any other penalty provided by law, upon conviction for any violation of this section or of sections seventy-seven A, seventy-eight, seventy-eight A, seventy-nine A, seventy-nine B, eighty A, eighty B, eighty C, eighty D, eighty F, eighty-six, eighty-six A, eighty-six B or ninety-four the defendant shall forfeit to the custody of any society, incorporated under the laws of the commonwealth for the prevention of cruelty to animals or for the care and protection of homeless or suffering animals, the animal whose treatment was the basis of such conviction.

Chapter 272: Section 94. Owning, possessing or training fighting animals; establishing or promoting exhibition; loaning, selling or exporting fighting animals; owning or possessing animals for breeding fighting animals

Section 94. Whoever: (i) owns, possesses, keeps or trains any bird, dog or other animal, with the intent that it shall be engaged in an exhibition of fighting; (ii) establishes or promotes an exhibition of the fighting of any birds, dogs or other animals; (iii) loans, sells, exports or otherwise transfers any bird, dog or other animal for the purpose of animal fighting; or (iv) owns, possesses or keeps any bird, dog or other animal for the purpose of breeding such animal with the intent that its offspring be used for animal fighting shall be punished by imprisonment in the state prison for not more than 5 years or in the house of correction for not more than 1 year, or by a fine of not more than \$1,000 or by both such fine and imprisonment.

Chapter 272: Section 95. Aiding or being present at exhibition of fighting animals

[Text of section effective until April 5, 2009. For text effective April 5, 2009, see below.]

Section 95. Whoever is present at any place, building or tenement where preparations are being made for an exhibition of the fighting of birds, dogs or other animals, with intent to be present at such exhibition, or is present at, aids in or contributes to such exhibition, shall be punished by a fine of not more than two hundred and fifty dollars or by imprisonment for not more than one month, or both.

Chapter 272: Section 95. Aiding or being present at exhibition of fighting animals

[Text of section as amended by 2008, 452 effective April 5, 2009. For text effective until April 5, 2009, see above.]

Section 95. Whoever is present at any place, building or tenement where preparations are being made for an exhibition of the fighting of birds, dogs or other animals, with intent to be present at such exhibition, or is present at, aids in or contributes to such exhibition, shall be punished by a fine of not more than \$1,000 or by imprisonment in the state prison for not more than 5 years or imprisonment in the house of correction for not more than 2½ years or by both such fine and imprisonment.

Chapter 266: Section 112. Domestic animals; malicious killing or injury

Section 112. Whoever wilfully and maliciously kills, maims or disfigures any horse, cattle or other animal of another person, or wilfully and maliciously administers or exposes poison with intent that it shall be taken or swallowed by any such animal, shall be punished by imprisonment in the state prison for not more than five years or by imprisonment in the house of correction for not more than 2 1/2 years or by a fine of not more than \$2,500, or by both such fine and imprisonment.