



**HB2793 – An Act Relative to the Penalty for Killing, Maiming
or Poisoning of Animals**

(Rep. Ayers)

Referred to Joint Committee on the Judiciary

Position paper in progress – see bill text below.

FOR MORE INFORMATION:

Massachusetts Federation of Dog Clubs and Responsible Dog Owners

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MassFed: 04/14/11

Bill Text for HB2793 (HD3231) of 2011-2012 Session

An Act relative to the penalty for killing, maiming or poisoning of animals

Prime sponsor: Representative Bruce J. Ayers (D)

SECTION 1. Chapter 266 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out section 112 and inserting in place thereof the following new section:

Section 112. Whoever willfully or maliciously kills, maims, tortures or disfigures any horse, cattle, dog, cat or other animal of another person, or willfully or 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 5 years and by a fine of not more than \$5000 or imprisonment in jail for not more than two and one-half years and a fine of not more than \$1000.

SECTION 2. Section 77 of chapter 272 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking in line 2 the word tortures; by striking in line 3 the words mutilates or kills an animal; by striking in line 4 the word tortured; and by striking in lines 5 and 6 the words mutilated or killed.

SECTION 4. Section 77 of chapter 272 of the General Laws, as appearing in the 2008 Official Edition, is hereby further amended by inserting at the end of the first paragraph the following:

Whoever as owner, possessor or person having the charge or custody of an animal, willfully or maliciously kills, maims, mutilates, tortures or disfigures said animal shall be punished by imprisonment in the state prison for not more than 5 years and by a fine of not more than \$5000 or by imprisonment in jail for not more than two and one-half years and by a fine of not more than \$2500.

CURRENT LAW FOR REFERENCE

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.