



OPPOSE SB1710 – An Act Relative to Protect Animals (Sen. Jehlen)

Referred to Joint Committee on the Judiciary

PROBLEM:

The proposed law would place the welfare of a pet on the same plain as that of person filing for divorce when the person seeks a restraining order against a spouse.

HISTORY:

Judges in the Commonwealth currently have the power to write Restraining Orders including personal property (computers, furniture, vehicles, etc.), minor children and pets. Animal Rights Activists have attempted to amend laws to give animals legal status equal to humans. Animal Rights activists would devalue humans by giving animals legal standing in cases of divorce.

WHAT THIS BILL DOES:

The bill amends a section of the General Laws dealing with restraining orders in the case of Divorce. The bill states that if the defendant in a case has an outstanding warrant against him/her, a judge can take necessary actions if a person or domestic animal is endangered.

WHY YOU SHOULD OPPOSE:

1. Divorce causes people to face difficult emotional issues. Animals in a household are not equal to or more important than the other partner or their children. Children are not mentioned in this bill.
2. Animals are personal property. Animals may be the primary property of one of the spouses in case of divorce.
3. Anyone with an outstanding warrant against them should be dealt with appropriately but this warrant may have nothing to do with the divorce or the personal property.

FOR MORE INFORMATION:

Massachusetts Federation of Dog Clubs and Responsible Dog Owners

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

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MassFed: 05/21/09

SENATE No. 1710

The Commonwealth of Massachusetts

PRESENTED BY:
Ms. Jehlen

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.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Ms. Jehlen	Second Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO PROTECT ANIMALS.

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 34D of chapter 208 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the full sentence beginning at line 25 through line 31, and inserting in place thereof the following paragraph:-

In all instances where an outstanding warrant exists, a judge shall make a finding, based upon all of the circumstances, as to whether an imminent threat of bodily injury exists to the petitioner or to a domesticated animal. In all instances where such an imminent threat of bodily injury to a human being or a domesticated animal is found to exist, the judge shall notify the appropriate law enforcement officials of such finding and such officials shall take all necessary actions to execute any such outstanding warrant as soon as is practicable.

CURRENT LAW TO BE AMENDED

CHAPTER 208. DIVORCE

GENERAL PROVISIONS

Chapter 208: Section 34D. Request for restraining order or order to vacate marital home; information provided to petitioner upon filing; domestic violence record search; outstanding warrants

Section 34D. Upon the filing of a request for a restraining order pursuant to section eighteen or for an order for a spouse to vacate the marital home pursuant to section thirty-four B, a petitioner shall be informed that the proceedings hereunder are civil in nature and that violations of orders issued hereunder are criminal in nature. Further, a petitioner

shall be given information prepared by the appropriate district attorney's office that other criminal proceedings may be available and such petitioner shall be instructed by such district attorney's office relative to the procedures required to initiate such criminal proceedings including, but not limited to, the filing of a complaint for a violation of section forty-three of chapter two hundred and sixty-five. Whenever possible, a petitioner shall be provided with such information in the petitioner's native language.

When considering a request for a restraining order pursuant to section eighteen or for an order for a spouse to vacate the marital home pursuant to section thirty-four B, a judge shall cause a search to be made of the records contained within the statewide domestic violence record keeping system maintained by the office of the commissioner of probation and shall review the resulting data to determine whether the named defendant has a civil or criminal record involving domestic or other violence. Upon receipt of information that an outstanding warrant exists against the named defendant, a judge shall order that the appropriate law enforcement officials be notified and shall order that any information regarding the defendant's most recent whereabouts shall be forwarded to such officials.