

## Animal Protection Laws in Select States

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September 24, 2019 | 2019-R-0197

### Issue

Summary of animal protection laws in Connecticut's neighboring states (Massachusetts, New York, and Rhode Island).

### Summary

Massachusetts, New York, and Rhode Island all have similar provisions in their primary animal cruelty laws and have additional animal protection laws that vary in scope.

Of the three states, Massachusetts is the only one that does not provide a specific definition of "animal" for the purpose of its animal cruelty laws.

Massachusetts and Rhode Island have felony provisions under its primary animal cruelty law but in New York it is a misdemeanor. Rhode Island also requires offenders to do community service. All three states provide enhanced penalties for certain repeat offenders.

All three states provide for mandatory post-conviction forfeiture of the animal to the police or certain organizations that provide protection and shelter for animals. New York also requires certain offenders to forfeit the animal upon arrest. Additionally, in all three states the court may restrict ownership of animals after a conviction. Massachusetts specifically prohibits the offender from working in any capacity that requires contact with an animal ([Mass. Gen. Laws ch. 272, § 77](#)).

#### *Connecticut*

OLR Report [2019-R-0196](#) summarizes Connecticut's Animal Cruelty Laws and Recent Legislation

OLR Report [2019-R-0154](#) summarizes case outcomes, from 2008-2018, for charges brought under Connecticut's primary animal cruelty statute ([CGS § 53-247](#))

In Massachusetts and New York, animals may be included in restraining and protection orders ([Mass. Gen. Laws ch. 209A, § 11](#) and [N.Y. Crim. Pro. Law § 530.12](#)).

Additionally, all three states have “hot car” provisions that (1) prohibit confining an animal in a motor vehicle exposing it to extreme heat or cold and (2) provide immunity from liability for certain persons who rescue them ([Mass. Gen. Laws ch. 140, § 174F](#); [N.Y. Agri. & Mkts. Laws § 353-d](#); and [R.I. Gen. Laws § 4-1-3.2](#)).

Animal fighting is banned in all three states ([Mass. Gen. Laws ch. 272, §§ 94 & 95](#); [N.Y. Agri. & Mkts. Laws § 351](#); and [R.I. Gen. Laws § 4-1-9](#)).

Below are summaries of the main laws that provide protection for animals in Massachusetts, New York, and Rhode Island.

## **Massachusetts**

### ***Definition of “Animal”***

Massachusetts law does not provide a statutory definition of “animal” for the purpose of its animal protection laws. The law defines “domestic animal” as an animal designated as domestic by regulations promulgated by the Department of Fish and Game ([Mass. Gen. Laws ch. 140, § 136A](#)).

### ***General Animal Cruelty Law***

*Prohibited Actions.* Under Massachusetts law a person is guilty of animal cruelty if he or she:

1. overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates or kills an animal;
2. causes or procures an animal to be treated as described above;
3. uses the animal in a cruel or inhuman manner in a race, game, contest, or training;
4. uses a live animal as lure or bait (except in fishing);
5. inflicts unnecessary cruelty on the animal, or unnecessarily fails to provide it with proper food, drink, shelter, sanitary environment, or protection from the weather;
6. cruelly drives or works the animal when it is unfit for labor;
7. willfully abandons the animal or carries it or causes it to be carried in or on a vehicle in a way and manner that might endanger the animal; or

8. knowingly and willfully authorizes or permits the animal to be subjected to unnecessary torture, suffering, or cruelty of any kind.

*Penalty.* First offenses are punishable by up to seven years in state prison or up to two and a half years in the house of correction, a fine up to \$5,000, or both. Subsequent offenses are punishable by up to 10 years in prison, a fine up to \$10,000, or both.

*Forfeiture of Animal.* In addition to the specified penalty for a given act of animal cruelty, the defendant must forfeit the animal to the custody of any Massachusetts company formed for the prevention of cruelty to animals or for the care and protection of homeless or suffering animals.

*Post-Conviction Restriction.* A person convicted of an animal cruelty crime is prohibited from working in any capacity that requires him or her to be in contact with an animal ([Mass. Gen. Laws ch. 272 § 77](#)).

### ***Other Animal Protection Laws***

Table 1 summarizes other animal protection laws in Massachusetts.

**Table 1: Other Animal Protection Laws in Massachusetts**

<b>Statute</b>	<b>Provision/Prohibited Action</b>	<b>Penalty</b>
<a href="#">Mass. Gen. Laws ch. 140 § 174E</a>	Chaining or tethering a dog to a stationary object for longer than five hours in a 24-hour period and outside from 10 pm to 6 am (unless in increments of no more than 15 minutes and not left unattended)  A dog under age six months may not be tethered for any period of time	<ul style="list-style-type: none"> <li>• First offense: written warning or up to \$50 fine</li> <li>• Second offense: up to \$200 fine</li> <li>• Subsequent offenses: up to \$500 fine and impoundment pending compliance</li> </ul>
<a href="#">Mass. Gen. Laws ch. 186 § 30</a>	Landlords must inspect vacated property for abandoned animals within three days	<ul style="list-style-type: none"> <li>• First offense: up to \$500 fine</li> <li>• Subsequent offenses: up to \$1,000 fine</li> </ul>
<a href="#">Mass. Gen. Laws ch. 266 § 112</a>	Willful and malicious injury to another person's domestic animals, including horse and cattle	<ul style="list-style-type: none"> <li>• First offense: two and a half years house of corrections or seven years imprisonment and/or minimum \$5,000 fine, or both</li> <li>• Subsequent offenses: up to 10 years imprisonment, up to \$10,000 fine, or both</li> </ul>
<a href="#">Mass. Gen. Laws ch. 272 § 77A</a>	Willfully injuring police dogs and horses	<ul style="list-style-type: none"> <li>• Up to two and a half years imprisonment, a fine ranging from \$100 to \$500, or both</li> <li>• Offenders may generally be arrested without a warrant</li> </ul>
<a href="#">Mass. Gen. Laws ch. 272 § 79</a>	Corporations and other business entities may	Punishable by the fine associated with the

<b>Statute</b>	<b>Provision/Prohibited Action</b>	<b>Penalty</b>
	be punished for violation of animal cruelty laws and are liable for knowledge and acts of their agents	specific violation
<a href="#">Mass. Gen. Laws ch. 272 § 80 1/2</a>	Devocalization of dogs and cats prohibited, with some exceptions (e.g., medically necessary)	<ul style="list-style-type: none"> <li>Up to two and a half years in a house of corrections or up to five years imprisonment; up to \$2,500 fine; or both</li> </ul>
<a href="#">Mass. Gen. Laws ch. 272 § 80C</a>	Taking a cat, dog or bird to exhibit it or subject it to experiment or mutilation; or to sell it for such purposes, without the consent of the owner	<ul style="list-style-type: none"> <li>Minimum fine: \$100</li> <li>Maximum fine allowed under the applicable larceny statute</li> </ul>
<a href="#">Mass. Gen. Laws ch. 272 § 80D</a>	Generally prohibits the selling of (1) fowl under two months or (2) dyed rabbits, chickens, ducklings, or other fowl; provides exception for commercial breeders	Maximum fine: \$100
<a href="#">Mass. Gen. Laws ch. 272 § 80E</a>	Putting an animal to death by decompression chamber	Minimum fine: \$100
<a href="#">Mass. Gen. Laws ch. 272 § 80E ½</a>	Putting an animal to death by drowning	<ul style="list-style-type: none"> <li>First offense: up to seven years in state prison or up to two and a half years in a jail or house of correction; up to \$5,000 fine; or both</li> <li>Subsequent offenses: up to 10 years in state prison, up to \$10,000 fine, or both</li> </ul>
<a href="#">Mass. Gen. Laws ch. 272 § 80G</a>	Experiments on live vertebrates in elementary or high schools prohibited	Maximum \$100 fine
<a href="#">Mass. Gen. Laws ch. 272 § 80H</a>	Striking and injuring or killing a cat or dog with a motor vehicle requires mandatory reporting of such incident to the animal's owner or police officer in the town where the accident occurred	<ul style="list-style-type: none"> <li>First offense: up to 10 days in house of corrections or up to \$100 fine</li> <li>Subsequent offenses: up to six months in a house of correction, \$500 fine, and the cost of medical expenses up to \$2,500</li> </ul>
<a href="#">Mass. Gen. Laws ch. 272 § 81</a>	Generally requires railroad corporations transporting animals over 28 hours to unload them for rest, water, and feeding for at least five consecutive hours	<ul style="list-style-type: none"> <li>Minimum fine: \$100</li> <li>Maximum fine: \$500</li> </ul>
<a href="#">Mass. Gen. Laws ch. 272 § 87</a>	Keeping birds to shoot at or allowing property to be used for such activity prohibited (does not apply to the shooting of wild game)	<ul style="list-style-type: none"> <li>Up to one month imprisonment, up to \$50 fine, or both</li> </ul>

## New York

### *Definition of “Animal”*

New York law defines “animal” as every living creature except a human being ([N.Y. Agri. & Mrkts. Law § 350](#)).

## General Animal Cruelty Law

*Prohibited Actions.* Under New York law, a person is guilty of animal cruelty if he or she:

1. overdrives, overloads, tortures, cruelly beats, or unjustifiably injures, maims, mutilates, or kills any animal;
2. deprives any animal of necessary sustenance, food, or drink, or neglects or refuses to give the animal such sustenance or drink;
3. causes, procures, or permits any animal to be treated as such; or
4. wilfully furthers any act of cruelty to any animal or any act tending to produce such cruelty ([N.Y. Agri. & Mkts. Law § 353](#)).

*Penalty.* A violator is guilty of a misdemeanor which must be treated as a misdemeanor defined in the penal law (i.e., a term of imprisonment in excess of 15 days and no more than one year may be imposed) ([N.Y. Agri. & Mkts. Law § 353](#) & [N.Y. Penal Law § 10\(4\)](#)).

*Forfeiture of Animal.* Under the law, when a person is arrested for animal cruelty he or she must forfeit the animal to (1) the police, (2) an agent or officer of the American Society for the Prevention of Cruelty to Animals, or (3) any duly incorporated society for the prevention of cruelty to animals ([N.Y. Agri. & Mkts. Law § 373\(4-a\)](#)). Additionally, the court may order the animal to be forfeited upon the conviction of the offender ([N.Y. Agri. & Mkts. Law § 374](#)).

## Other Animal Protection Laws

Table 2 summarizes other animal protection laws in New York.

**Table 2: Other Animal Protection Laws in New York**

Statute	Provision/Prohibited Action	Penalty
<a href="#">N.Y. Agri &amp; Mkts Law § 353-a</a>	Aggravated cruelty to animals (Means conduct that is (1) intended to cause extreme physical pain or (2) done or carried out in an especially depraved or sadistic manner)	Class E felony, with a definite sentence of imprisonment up to two years
<a href="#">N.Y. Agri &amp; Mkts Law § 353-b</a>	Failure to provide appropriate shelter for dogs left outdoors	<ul style="list-style-type: none"> <li>• First offense: Violation, \$50-\$100 fine</li> <li>• Subsequent offenses: Violation, \$100-250 fine</li> </ul>
<a href="#">N.Y. Agri &amp; Mkts Law § 353-f</a>	Tattooing or piercing a companion animal	Violation pursuant to the penal law
<a href="#">N.Y. Agri &amp; Mkts Law § 354</a>	Selling or dying baby chicks or other fowl or baby rabbits	Misdemeanor, up to one year imprisonment, a fine up to \$500, or both
<a href="#">N.Y. Agri &amp; Mkts Law § 355</a>	Abandonment of animals	Misdemeanor, up to one year imprisonment, a fine up to \$1,000 fine, or

<i>Statute</i>	<i>Provision/Prohibited Action</i>	<i>Penalty</i>
		both
<a href="#">N.Y. Agri &amp; Mkts Law § 356</a>	Failure to provide proper food and drink to impounded animals	Misdemeanor, up to one year imprisonment, a fine up to \$1,000, or both
<a href="#">N.Y. Agri &amp; Mkts Law § 358</a>	Selling disabled horses	Up to six months imprisonment, \$5-\$100 fine, or both
<a href="#">N.Y. Agri &amp; Mkts Law § 359</a>	Carrying animal in a cruel or inhumane manner	Misdemeanor, up to one year imprisonment, a fine up to \$1,000, or both
<a href="#">N.Y. Agri &amp; Mkts Law § 359-a</a>	Transporting horses in a cruel manner	<ul style="list-style-type: none"> <li>• First offense: Violation, \$250 fine</li> <li>• Subsequent offenses: Misdemeanor, up to one year imprisonment, a fine up to \$1,000, or both</li> </ul>
<a href="#">N.Y. Agri &amp; Mkts Law § 360</a>	Poisoning or attempting to poison animals	<ul style="list-style-type: none"> <li>• Misdemeanor, up to one year imprisonment, a fine up to \$1,000, or both</li> <li>• Unclassified felony if the animal is a horse, mule or cattle</li> </ul>
<a href="#">N.Y. Agri &amp; Mkts Law § 368</a>	Docking a horse's tail	Misdemeanor, one year imprisonment and/or \$500 fine
<a href="#">N.Y. Penal Law § 195.06-a</a>	Killing a police work dog or work horse	Class E felony
<a href="#">N.Y. Penal Law § 242.15</a> <a href="#">N.Y. Penal Law § 242.10</a>	Harming a service animal	<ul style="list-style-type: none"> <li>• 1<sup>st</sup> degree: Class E felony</li> <li>• 2<sup>nd</sup> degree: Class A Misdemeanor</li> </ul>

## Rhode Island

### *Definition of “Animal”*

Under Rhode Island law every living creature, except human beings, are considered “animals” ([R.I. Gen. Laws § 4-1-1\(a\)\(1\)](#)).

### *General Animal Cruelty Law*

*Prohibited Actions.* Under Rhode Island law a person is guilty of animal cruelty if he or she:

1. overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates, or cruelly kills an animal;
2. causes or procures an animal to be treated as such;
3. inflicts cruelty upon an animal; or
4. willfully fails to provide the animal with proper food, drink, shelter, or protection from the weather ([R.I. Gen. Laws § 4-1-2](#)).

*Penalty.* If the animal survives, the offender is subject to a misdemeanor punishable by up to 11 months in prison, a fine ranging from \$50 to \$500, or both. If the animal dies or if it is a malicious act of cruelty such as dismemberment or poisoning, the offender is subject to the following:

1. First offense is a felony punishable by up to five years in prison or a fine up to \$1,000; treble civil damages to the animal’s owner; and 50 hours community service.
2. Second or subsequent offense within 10 years is punishable by up to six years in prison, a fine ranging from \$500 to \$5,000, or both; and 100 hours of community service ([R.I. Gen. Laws §§ 4-1-2 & 4-1-5](#)).

*Forfeiture of Animal.* In addition to the specified penalty, a convicted person must forfeit all rights to ownership of the animal to the animal-control officer of the city or town in which the offense occurred or to the humane society that sheltered the injured animal ([R.I. Gen. Laws § 4-1-2](#)).

### ***Other Animal Protection Laws***

Table 3 summarizes other animal protection laws in Rhode Island.

**Table 3: Other Animal Protection Laws in Rhode Island**

<b>Statute</b>	<b>Provision/Prohibited Action</b>	<b>Penalty</b>
<a href="#">R.I. Gen. Laws § 4-1-3</a>	Unnecessary cruelty to animal prohibited (e.g., willfully, intentionally, maliciously, recklessly, and/or knowingly authorizes or permits that animal to be subjected to unnecessary torture, suffering, or cruelty of any kind)	If the animal survives it is a misdemeanor. If the animal dies: <ul style="list-style-type: none"> <li>• First offense is a felony punishable by up to five years in prison or a fine up to \$1,000; treble civil damages to the animal’s owner; and 50 hours community service</li> <li>• Subsequent offenses within 10 years: up to six years in prison, a fine ranging from \$500 to \$5,000, or both; and 100 hours of community service</li> </ul>
<a href="#">R.I. Gen. Laws § 4-1-4</a>	Abandonment of infirm or disabled animals	If the animal survives it is a misdemeanor. If the animal dies: <ul style="list-style-type: none"> <li>• First offense is a felony punishable by up to five years in prison or a fine up to \$1,000; treble civil damages to the animal’s owner; and 50 hours community service</li> <li>• Subsequent offenses within 10 years: up to six years in prison, a fine ranging from \$500 to \$5,000, or both; and 100 hours of community service</li> </ul>
<a href="#">R.I. Gen. Laws § 4-1-5</a>	Malicious injury to or killing of animals	Felony, up to five years imprisonment or fine up to \$1,000; treble civil damages if animal owned by another person; and 50 hours community

<i>Statute</i>	<i>Provision/Prohibited Action</i>	<i>Penalty</i>
		service
<a href="#">R.I. Gen. Laws § 4-1-6</a>	Shearing horses in the winter	Up to 10 days imprisonment, a fine up to \$50, or both
<a href="#">R.I. Gen. Laws § 4-1-6.1</a>	Docking, setting, or otherwise altering cows' tails	Misdemeanor, up to 1 year imprisonment, a fine up to \$500, or both
<a href="#">R.I. Gen. Laws § 4-1-7</a>	Cruelly transporting live poultry	Up to 15 days imprisonment, a \$100 fine, or both
<a href="#">R.I. Gen. Laws § 4-1-26</a>	Abandonment of animals	If the animal survives it is a misdemeanor. If the animal dies: <ul style="list-style-type: none"> <li>• First offense is a felony punishable by up to 5 years in prison or a fine up to \$1,000; treble civil damages to the animal's owner; and 50 hours community service</li> <li>• Subsequent offenses within 10 years: up to 6 years in prison, a fine ranging from \$500 to \$5,000, or both; and 100 hours of community service</li> </ul>
<a href="#">R.I. Gen. Laws § 4-1-30</a>	Cruelty to police animals (dog or horse)	Up to one year imprisonment, a fine ranging from \$100 to \$500, or both
<a href="#">R.I. Gen. Laws § 4-1-43</a>	Use of bullhooks or similar device on elephants designed to inflict pain to train and control them	Up to one year imprisonment, a fine up to \$5,000, or both
<a href="#">R.I. Gen. Laws § 4-13-42</a>	Cruelly tethering a dog or failure to provide a dog with adequate food, water, and veterinary care, or exposing a dog to adverse conditions to condition it	Up to 11 months imprisonment, a fine ranging from \$50 to \$500, or both

## Additional Resource:

- [2018 U.S. Animal Protection Laws Rankings Report](#) comparing state laws by overall strength and comprehensiveness (conducted by the [Animal Legal Defense Fund](#), an advocacy group whose mission is to protect the lives and advance the interests of animals through the legal system).

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