



ANIMAL
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Model Bill to Ban Body-Gripping Traps

Chapter 453 of 1996. AN ACT: THE MASSACHUSETTS WILDLIFE PROTECTION ACT.

Be it enacted by the People, and by their authority:

SECTION 1: In order to protect people, domestic animals, and wildlife from the dangers of cruel traps and to facilitate the release of non-targeted animals, the existing language of MASS. GEN. LAWS ch. 131, § 80A, shall be deleted and replaced with the following provisions:

§ 80A. Use of Leghold Traps and Certain Other Devices Restricted. Notwithstanding any other provision of this chapter, a person shall not use, set, place, maintain, manufacture or possess any trap for the purpose of capturing fur-bearing mammals, except for common type mouse and rat traps, nets, and box or cage type traps, as otherwise permitted by law. A box or cage type trap is one that confines the whole animal without grasping any part of the animal, including Hancock or Bailey's type live traps for beavers. Other than nets and common type mouse or rat traps, traps designed to capture and hold a fur-bearing mammal by gripping the mammal's body or body part are prohibited including steel jaw leghold traps, padded leghold traps, conibear traps, and snares.

The above provision shall not apply to the use of prohibited devices by federal and state departments of health for the purpose of protection from threats to human health and safety.

A person or his duly authorized agent may apply to the director for a special permit to use otherwise prohibited traps on property owned by such person. Issuance of such special permits shall be governed by rules and regulations adopted by the director pursuant to chapter thirty A. Such rules and regulations shall include, but not be limited to provisions relative to the following:

The applicant shall apply to the director in writing and shall state that there exists on the property an animal problem which cannot reasonably be abated by the use of traps other than those prohibited by this section, and that he or she has attempted to abate the problem using traps permitted under this section. If the director determines that the applicant has attempted to abate the problem using permissible traps, that the applicant has complied with § 37 and § 80 of this chapter, if required to do so, and any other laws regarding trapping, and that such an animal problem exists which cannot reasonably be abated by the use of alternative, non-lethal management techniques or of traps other than those prohibited by this section, the director may authorize the use, setting, placing or maintenance of such traps, not including leghold traps, for a period not exceeding thirty days during which time the applicant shall remain in compliance with the procedures for obtaining a special permit as set forth in regulations adopted pursuant to this section.

Whoever violates any provisions of this section, or any rule or regulation made under the authority thereof, shall be punished by a fine of not less than three hundred nor more than one thousand dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment for each trap possessed, used, set, placed, maintained, or manufactured. Each day of violation shall constitute a separate offense. A person found guilty of, or convicted of, or assessed in any manner after a plea of nolo contendere, or penalized

for, a second violation of this section shall surrender to an officer authorized to enforce this chapter any trapping license and/or problem animal control permit issued to him or her and shall be barred forever from obtaining a trapping license and a problem animal control permit.