



**House
Legislative
Analysis
Section**

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**PROHIBIT BREED-SPECIFIC
ANIMAL OWNERSHIP LAWS**

**House Bill 4298 (Substitute H-1)
First Analysis (12-3-96)**

**Sponsor: Rep. Carl F. Gnottke
Committee: Agriculture and Forestry**

THE APPARENT PROBLEM:

Public Act 426 of 1988 was adopted in response to several reports of dog attacks against humans nationwide, some of which resulted in children being seriously injured or killed. The act not only defines what constitutes a dangerous animal but provides mechanisms for identifying and incapacitating dangerous animals, while establishing various penalties that apply to owners of animals that cause human injury or death. Since adoption of this law, however, some municipalities have either enacted or expressed interest in enacting ordinances that prohibit residents of these communities from owning certain breeds of dogs, such as so-called pit bull dogs, which are perceived to have innate aggressive qualities that make them more of a threat to humans than other breeds. Some people believe such laws not only unfairly single out certain breeds, but discriminate against owners of such breeds whose own animals do not exhibit any aggressive traits and have never attacked a human. To correct this problem, legislation has been proposed that would allow local governments to adopt or enforce ordinances regulating or prohibiting the owning of an animal except for those based exclusively on an animal's breed.

THE CONTENT OF THE BILL:

Public Act 426 of 1988 defines what constitutes a "dangerous animal," and provides for the confinement, tattooing, and destruction of a dangerous animal and the levying of penalties against the owner of such an animal that caused injury or death to another person. The bill would amend the act to specify that a municipality could adopt or enforce an ordinance that regulated or prohibited the possession of an animal, except for one based exclusively on its breed. Under the bill, "breed" would mean a group of domestic animals descended from common ancestors of the same species who had similar characteristics developed and continued through selective breeding by humans.

MCL 287.322a

FISCAL IMPLICATIONS:

The House Fiscal Agency says the bill would not affect state or local budget expenditures. (11-21-96)

ARGUMENTS:

For:

Municipal ordinances that prohibit ownership of certain breeds of animals, particularly certain kinds of dogs, apparently are a growing problem throughout the state as communities wrestle with public perceptions of the threat some dog breeds pose to humans. For example, the breed known as the "pit bull" terrier has been reported to have been involved in several dog attacks nationwide resulting in human injury or death. A number of local governments throughout the state (and in other states) reportedly have responded by prohibiting local residents from owning this breed of dog and certain others considered to have innate aggressive traits (i.e., Doberman pinschers, German shepherds, Rottweilers and several others). Breed-specific ownership laws are patently unfair to owners of such breeds whose individual pets display none of the ferocious characteristics often ascribed to a specific breed nor have ever attacked anyone. Moreover, such laws raise constitutional questions regarding dog-owners' fourteenth amendment rights to due process and equal protection, since they not only target certain "classes" of animals even though others are capable, and have histories, of attacking humans in given situations; they also are difficult to enforce as breeds are not easily identified, which could result in inconsistent and entirely subjective enforcement policies. In addition, breed-specific ordinances may vary from one locale to the next, making it difficult for dog owners to transport their pets--perhaps to a dog show or to go hunting--without inadvertently violating a local ordinance, subjecting themselves to fines or civil penalties and their dogs to confiscation or worse. The bill would provide dog owners assurance that they could transport their dogs freely throughout the state without being subject to penalties that may apply under such ordinances, but would grant local governments the ability

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to ban ownership of animals and enforce such laws as long as any prohibitions were not breed-specific.

For:

The bill would prevent communities from adopting laws that could discriminate against persons who utilize leader dogs to assist them due to a handicap, which often include breeds that reportedly have been banned under such ordinances. According to Paws With A Cause, a national group that helps place leader dogs with owners, a large percentage of their dogs come from animal shelters and humane societies and include breeds of questionable heritage or breeds that resemble those targeted by some of these laws. The group screens all dogs it uses for the proper temperament, regardless of the breed, which itself suggests that individual dogs among breeds often assumed to be dangerous either do not fit the stereotype or can be trained to exhibit good qualities.

Against:

The bill would take away municipalities' right to local control of a growing problem, which could expose their residents to increased risks of dog attacks. While it's true that any dog is capable, under the right circumstances, of attacking a human, certain dog breeds as a rule are simply more aggressive and unpredictable than others, and figure in a large percentage of the human attacks that have been reported in recent years. By adopting breed-specific laws, communities are better able to reduce the number of potential dog attacks against humans and, for that matter, against other domestic pets. Otherwise, local ordinances must be based solely on behavior after the fact--that is, after a young child has been mauled to death or perhaps injured or permanently disfigured by a dog breed known for its viciousness.

POSITIONS:

The Michigan United Conservation Clubs supports the bill. (11-21-96)

The Michigan Association for Pure Bred Dogs supports the bill. (11-21-96)

The Michigan Hunting Dog Federation supports the bill. (11-21-96)

The Michigan Humane Society supports the bill. (11-21-96)

The United Kennel Club supports the bill. (11-21-96)

The Michigan Veterinary Medical Association supports the bill. (11-21-96)

The Leader Dogs for the Blind organization supports the bill. (11-21-96)

The Michigan Municipal League opposes the bill. (11-21-96)

The Michigan Townships Association opposes the bill. (11-21-96)

The Michigan Association of Counties opposes the bill. (11-22-96)

Analyst: T. Iversen

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.