

SENATE BILL No. 301

April 18, 2017, Introduced by Senator JONES and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending sections 49, 50, and 50b (MCL 750.49, 750.50, and
750.50b), section 49 as amended by 2006 PA 129, section 50 as
amended by 2007 PA 152, and section 50b as amended by 2008 PA 339.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 49. (1) As used in this section, "animal" means a
2 vertebrate other than a human **BEING**.
3 (2) A person shall not knowingly do any of the following:
4 (a) Own, possess, use, buy, sell, offer to buy or sell,
5 import, or export an animal for fighting or baiting, or as a target
6 to be shot at as a test of skill in marksmanship.
7 (b) Be a party to or cause the fighting, baiting, or shooting
8 of an animal as described in subdivision (a).
9 (c) Rent or otherwise obtain the use of a building, shed,

1 room, yard, ground, or premises for fighting, baiting, or shooting
2 an animal as described in subdivision (a).

3 (d) Permit the use of a building, shed, room, yard, ground, or
4 premises belonging to him or her or under his or her control for
5 any of the purposes described in this section.

6 (e) Organize, promote, or collect money for the fighting,
7 baiting, or shooting of an animal as described in subdivisions (a)
8 to (d).

9 (f) Be present at a building, shed, room, yard, ground, or
10 premises where preparations are being made for an exhibition
11 described in subdivisions (a) to (d), or be present at the
12 exhibition, knowing that an exhibition is taking place or about to
13 take place.

14 (g) Breed, buy, sell, offer to buy or sell, exchange, import,
15 or export an animal the person knows has been trained or used for
16 fighting as described in subdivisions (a) to (d), or breed, buy,
17 sell, offer to buy or sell, exchange, import, or export the
18 offspring of an animal the person knows has been trained or used
19 for fighting as described in subdivisions (a) to (d). This
20 subdivision does not prohibit owning, breeding, buying, selling,
21 offering to buy or sell, exchanging, importing, or exporting an
22 animal for agricultural or agricultural exposition purposes.

23 (h) Own, possess, use, buy, sell, offer to buy or sell,
24 transport, or deliver any device or equipment intended for use in
25 the fighting, baiting, or shooting of an animal as described in
26 subdivisions (a) to (d).

27 (3) A person who violates subsection (2)(a) to (e) is guilty

1 of a felony punishable by 1 or more of the following:

2 (a) Imprisonment for not more than 4 years.

3 (b) A fine of not less than \$5,000.00 or more than \$50,000.00.

4 (c) Not less than 500 or more than 1,000 hours of community
5 service.

6 (4) A person who violates subsection (2)(f) to (h) is guilty
7 of a felony punishable by 1 or more of the following:

8 (a) Imprisonment for not more than 4 years.

9 (b) A fine of not less than \$1,000.00 or more than \$5,000.00.

10 (c) Not less than 250 or more than 500 hours of community
11 service.

12 (5) The court may order a person convicted of violating this
13 section to pay the costs of prosecution.

14 (6) The court may order a person convicted of violating this
15 section to pay the costs for housing and caring for the animal,
16 including, but not limited to, providing veterinary medical
17 treatment.

18 (7) As part of the sentence for a violation of subsection (2),
19 the court shall, **AS A CONDITION OF PROBATION**, order the person
20 convicted not to own or possess an animal ~~of the same species~~
21 ~~involved in the violation of this section for~~ **A PERIOD OF AT LEAST**
22 **5 years after the date of sentencing OR THE DATE OF RELEASE FROM**
23 **INCARCERATION, WHICHEVER IS LATER**. Failure to comply with the order
24 of the court pursuant to this subsection is punishable as contempt
25 of court.

26 (8) If a person incites an animal trained or used for fighting
27 or an animal that is the ~~first or second generation~~ **FIRST- OR**

1 **SECOND-GENERATION** offspring of an animal trained or used for
2 fighting to attack a person and ~~thereby~~ **THAT ATTACK** causes the
3 death of that person, the owner is guilty of a felony punishable by
4 imprisonment for life or for a term of years greater than 15 years.

5 (9) If a person incites an animal trained or used for fighting
6 or an animal that is the ~~first or second generation~~ **FIRST- OR**
7 **SECOND-GENERATION** offspring of an animal trained or used for
8 fighting to attack a person, but the attack does not result in the
9 death of ~~the~~ **THAT** person, the owner is guilty of a felony
10 punishable by imprisonment for not more than 4 years or a fine of
11 not more than \$2,000.00, or both.

12 (10) If an animal trained or used for fighting or an animal
13 that is the ~~first or second generation~~ **FIRST- OR SECOND-GENERATION**
14 offspring of an animal trained or used for fighting attacks a
15 person without provocation and causes the death of that person, the
16 owner of the animal is guilty of a felony punishable by
17 imprisonment for not more than 15 years.

18 (11) If an animal trained or used for fighting or an animal
19 that is the ~~first or second generation~~ **FIRST- OR SECOND-GENERATION**
20 offspring of an animal trained or used for fighting attacks a
21 person without provocation, but the attack does not cause the death
22 of the person, the owner is guilty of a misdemeanor punishable by
23 imprisonment for not more than 1 year or a fine of not more than
24 \$1,000.00, or both.

25 (12) Subsections (8) to (11) do not apply if the person
26 attacked was committing or attempting to commit an unlawful act on
27 the property of the owner of the animal.

1 (13) If an animal trained or used for fighting or an animal
2 that is the ~~first or second generation~~ **FIRST- OR SECOND-GENERATION**
3 offspring of a dog trained or used for fighting goes beyond the
4 property limits of its owner without being securely restrained, the
5 owner is guilty of a misdemeanor punishable by imprisonment for not
6 more than 90 days or a fine of not less than \$50.00 nor more than
7 \$500.00, or both.

8 (14) If an animal trained or used for fighting or an animal
9 that is the ~~first or second generation~~ **FIRST- OR SECOND-GENERATION**
10 offspring of a dog trained or used for fighting is not securely
11 enclosed or restrained on the owner's property, the owner is guilty
12 of a misdemeanor punishable by imprisonment for not more than 90
13 days or a fine of not more than \$500.00, or both.

14 (15) Subsections (8) to (14) do not apply to any of the
15 following:

16 (a) A dog trained or used for fighting, or the ~~first or second~~
17 ~~generation~~ **FIRST- OR SECOND-GENERATION** offspring of a dog trained
18 or used for fighting, that is used by a law enforcement agency of
19 ~~the~~ **THIS** state or a county, city, village, or township.

20 (b) A certified leader dog recognized and trained by a
21 national guide dog association for the blind or for persons with
22 disabilities.

23 (c) A corporation licensed under the private security business
24 and security alarm act, 1968 PA 330, MCL 338.1051 to ~~338.1083,~~
25 **338.1092**, when a dog trained or used for fighting, or the ~~first or~~
26 ~~second generation~~ **FIRST- OR SECOND-GENERATION** offspring of a dog
27 trained or used for fighting, is used in accordance with the

1 private security business and security alarm act, 1968 PA 330, MCL
2 338.1051 to ~~338.1083~~ **338.1092**.

3 (16) An animal that has been used to fight in violation of
4 this section or that is involved in a violation of subsections (8)
5 to (14) ~~shall~~ **MUST** be confiscated as contraband by a law
6 enforcement officer and ~~shall~~ **MUST** not be returned to the owner,
7 trainer, or possessor of the animal. The animal ~~shall~~ **MUST** be taken
8 to a local humane society or other animal welfare agency. If an
9 animal owner, trainer, or possessor is convicted of violating
10 subsection (2) or subsections (8) to (14), the court shall award
11 the animal involved in the violation to the local humane society or
12 other animal welfare agency.

13 (17) Upon receiving an animal confiscated under this section,
14 or at any time thereafter, an appointed veterinarian, the humane
15 society, or other animal welfare agency may humanely euthanize the
16 animal if, in the opinion of that veterinarian, humane society, or
17 other animal welfare agency, the animal is injured or diseased past
18 recovery or the animal's continued existence is inhumane so that
19 euthanasia is necessary to relieve pain and suffering.

20 (18) A humane society or other animal welfare agency that
21 receives an animal under this section shall apply to the district
22 court or municipal court for a hearing to determine whether the
23 animal ~~shall~~ **MUST** be humanely euthanized because of its lack of any
24 useful purpose and the public safety threat it poses. The court
25 shall hold a hearing not more than 30 days after the filing of the
26 application and shall give notice of the hearing to the owner of
27 the animal. Upon a finding by the court that the animal lacks any

1 useful purpose and poses a threat to public safety, the humane
2 society or other animal welfare agency shall humanely euthanize the
3 animal. Expenses incurred in connection with the housing, care,
4 upkeep, or euthanasia of the animal by a humane society or other
5 animal welfare agency, or by a person, firm, partnership,
6 corporation, or other entity, ~~shall~~**MUST** be assessed against the
7 owner of the animal.

8 (19) Subject to subsections (16) to (18), all animals being
9 used or to be used in fighting, equipment, devices and money
10 involved in a violation of subsection (2) ~~shall~~**MUST** be forfeited
11 to ~~the~~**THIS** state. All other instrumentalities, proceeds, and
12 substituted proceeds of a violation of subsection (2) are subject
13 to forfeiture under chapter 47 of the revised judicature act of
14 1961, 1961 PA 236, MCL 600.4701 to ~~600.4709~~**600.4710**.

15 (20) The seizing agency may deposit money seized under
16 subsection (19) into an interest-bearing account in a financial
17 institution. As used in this subsection, "financial institution"
18 means a state or nationally chartered bank or a state or federally
19 chartered savings and loan association, savings bank, or credit
20 union whose deposits are insured by an agency of the United States
21 government and that maintains a principal office or branch office
22 located in this state under the laws of this state or the United
23 States.

24 (21) An attorney for a person who is charged with a violation
25 of subsection (2) involving or related to money seized under
26 subsection (19) ~~shall~~**MUST** be afforded a period of 60 days within
27 which to examine that money. This 60-day period ~~shall begin~~**BEGINS**

1 to run after notice of forfeiture is given but before the money is
2 deposited into a financial institution under subsection (20). If
3 the attorney general, prosecuting attorney, or city or township
4 attorney fails to sustain his or her burden of proof in forfeiture
5 proceedings under subsection (19), the court shall order the return
6 of the money, including any interest earned on money deposited into
7 a financial institution under subsection (20).

8 (22) This section does not apply to conduct that is permitted
9 by and is in compliance with any of the following:

10 (a) Part 401 of the natural resources and environmental
11 protection act, 1994 PA 451, MCL 324.40101 to ~~324.40119~~ **324.40120**.

12 (b) Part 435 of the natural resources and environmental
13 protection act, 1994 PA 451, MCL 324.43501 to 324.43561.

14 (c) Part 427 of the natural resources and environmental
15 protection act, 1994 PA 451, MCL 324.42701 to 324.42714.

16 (d) Part 417 of the natural resources and environmental
17 protection act, 1994 PA 451, MCL 324.41701 to 324.41712.

18 (23) This section does not prohibit a person from being
19 charged with, convicted of, or punished for any other violation of
20 law that is committed by that person while violating this section.

21 **(24) THIS SECTION DOES NOT PROHIBIT THE LAWFUL KILLING OF**
22 **LIVESTOCK OR A CUSTOMARY ANIMAL HUSBANDRY OR FARMING PRACTICE**
23 **INVOLVING LIVESTOCK. AS USED IN THIS SUBSECTION, "LIVESTOCK" MEANS**
24 **THAT TERM AS DEFINED IN SECTION 5 OF THE ANIMAL INDUSTRY ACT, 1988**
25 **PA 466, MCL 287.705.**

26 Sec. 50. (1) As used in this section and section 50b:

27 (a) "Adequate care" means the provision of sufficient food,

1 water, shelter, sanitary conditions, exercise, and veterinary
2 medical attention in order to maintain an animal in a state of good
3 health.

4 (b) "Animal" means ~~any~~**A** vertebrate other than a human being.

5 (c) "Animal protection shelter" means a facility operated by a
6 person, humane society, society for the prevention of cruelty to
7 animals, or any other nonprofit organization, for the care of
8 homeless animals.

9 (d) "Animal control shelter" means a facility operated by a
10 county, city, village, or township to impound and care for animals
11 found in streets or otherwise at large contrary to ~~any~~**AN** ordinance
12 of the county, city, village, or township or state law.

13 (e) "Licensed veterinarian" means a person licensed to
14 practice veterinary medicine under article 15 of the public health
15 code, 1978 PA 368, MCL 333.16101 to 333.18838.

16 (f) "Livestock" means that term as defined in **SECTION 5 OF** the
17 animal industry act, ~~of 1987,~~ 1988 PA 466, MCL ~~287.701 to~~
18 ~~287.747-287.705.~~

19 (g) "Person" means an individual, partnership, limited
20 liability company, corporation, association, governmental entity,
21 or other legal entity.

22 (h) "Neglect" means to fail to sufficiently and properly care
23 for an animal to the extent that the animal's health is
24 jeopardized.

25 (i) "Sanitary conditions" means space free from health hazards
26 including excessive animal waste, overcrowding of animals, or other
27 conditions that endanger the animal's health. This definition does

1 not include any condition resulting from a customary and reasonable
2 practice pursuant to farming or animal husbandry.

3 (j) "Shelter" means adequate protection from the elements and
4 weather conditions suitable for the age, species, and physical
5 condition of the animal so as to maintain the animal in a state of
6 good health. Shelter, for livestock, includes structures or natural
7 features such as trees or topography. Shelter, for a dog, includes
8 1 or more of the following:

9 (i) The residence of the dog's owner or other individual.

10 (ii) A doghouse that is an enclosed structure with a roof and
11 of appropriate dimensions for the breed and size of the dog. The
12 doghouse ~~shall~~**MUST** have dry bedding when the outdoor temperature
13 is or is predicted to drop below freezing.

14 (iii) A structure, including a garage, barn, or shed, that is
15 sufficiently insulated and ventilated to protect the dog from
16 exposure to extreme temperatures or, if not sufficiently insulated
17 and ventilated, contains a doghouse as provided under subparagraph
18 (ii) that is accessible to the dog.

19 (k) "State of good health" means freedom from disease and
20 illness, and in a condition of proper body weight and temperature
21 for the age and species of the animal, unless the animal is
22 undergoing appropriate treatment.

23 (l) "Tethering" means the restraint and confinement of a dog
24 by use of a chain, rope, or similar device.

25 (m) "Water" means potable water that is suitable for the age
26 and species of animal **AND** that is made regularly available unless
27 otherwise directed by a licensed veterinarian.

1 (2) An owner, possessor, or person ~~having~~ **WHO HAS** the charge
2 or custody of an animal shall not do any of the following:

3 (a) Fail to provide an animal with adequate care.

4 (b) Cruelly drive, work, or beat an animal, or cause an animal
5 to be cruelly driven, worked, or beaten.

6 (c) Carry or cause to be carried in or upon a vehicle or
7 otherwise any live animal ~~having the~~ **WITH ITS** feet or legs tied
8 together, other than an animal being transported for medical care,
9 or a horse whose feet are hobbled to protect the horse during
10 transport, or in any other cruel and inhumane manner.

11 (d) Carry or cause to be carried a live animal in or upon a
12 vehicle or otherwise without providing a secure space, rack, car,
13 crate, or cage ~~—~~in which livestock may stand ~~—~~and in which all
14 other animals may stand, turn around, and lie down during
15 transportation, or while awaiting slaughter. As used in this
16 subdivision, for purposes of transportation of sled dogs, "stand"
17 means sufficient vertical distance to allow the animal to stand
18 without its shoulders touching the top of the crate or
19 transportation vehicle.

20 (e) Abandon an animal or cause an animal to be abandoned, in
21 any place, without making provisions for the animal's adequate
22 care, unless premises are vacated for the protection of human life
23 or the prevention of injury to a human. An animal that is lost by
24 an owner or custodian while traveling, walking, hiking, or hunting
25 is not abandoned under this section ~~when~~ **IF** the owner or custodian
26 has made a reasonable effort to locate the animal.

27 (f) Negligently allow any animal, including one who is aged,

1 diseased, maimed, hopelessly sick, disabled, or nonambulatory to
2 suffer unnecessary neglect, torture, or pain.

3 (g) Tether a dog unless the tether is at least 3 times the
4 length of the dog as measured from the tip of its nose to the base
5 of its tail and is attached to a harness or nonchoke collar
6 designed for tethering.

7 (3) If an animal is impounded and is being held by an animal
8 control shelter or its designee or an animal protection shelter or
9 its designee or a licensed veterinarian pending the outcome of a
10 criminal action charging a violation of this section or section
11 50b, before final disposition of the criminal charge, the
12 prosecuting attorney may file a civil action in the court that has
13 jurisdiction of the criminal action, requesting that the court
14 issue an order forfeiting the animal to the animal control shelter
15 or animal protection shelter or to a licensed veterinarian before
16 final disposition of the criminal charge. The prosecuting attorney
17 shall serve a true copy of the summons and complaint upon the
18 defendant and upon a person with a known ownership **OR SECURITY**
19 interest ~~or known security interest~~ in the animal or a person who
20 has filed a lien with the secretary of state ~~in an~~ **ON THE** animal
21 involved in the pending action. The forfeiture of an animal under
22 this section encumbered by a security interest is subject to the
23 interest of the holder of the security interest who did not have
24 prior knowledge of ~~—~~ or consent to the commission of the crime.
25 Upon the filing of the civil action, the court shall set a hearing
26 on the complaint. The hearing ~~shall~~ **MUST** be conducted within 14
27 days of the filing of the civil action, or as soon as practicable.

1 The hearing ~~shall~~**MUST** be before a judge without a jury. At the
2 hearing, the prosecuting attorney has the burden of establishing by
3 a preponderance of the evidence that a violation of this section or
4 section 50b occurred. If the court finds that the prosecuting
5 attorney has met this burden, the court shall order immediate
6 forfeiture of the animal to the animal control shelter or animal
7 protection shelter or the licensed veterinarian unless the
8 defendant, within 72 hours of the hearing, submits to the court
9 clerk cash or other form of security in an amount determined by the
10 court to be sufficient to repay all reasonable costs incurred, and
11 anticipated to be incurred, by the animal control shelter or animal
12 protection shelter or the licensed veterinarian in caring for the
13 animal from the date of initial impoundment to the date of trial.
14 If cash or other security has been submitted, and the trial in the
15 action is continued at a later date, any order of continuance ~~shall~~
16 **MUST** require the defendant to submit additional cash or security in
17 an amount determined by the court to be sufficient to repay all
18 additional reasonable costs anticipated to be incurred by the
19 animal control shelter or animal protection shelter or the licensed
20 veterinarian in caring for the animal until the new date of trial.
21 If the defendant submits cash or other security to the court under
22 this subsection the court may enter an order authorizing the use of
23 that ~~money~~**CASH** or other security before final disposition of the
24 criminal charges to pay the reasonable costs incurred by the animal
25 control shelter or animal protection shelter or the licensed
26 veterinarian in caring for the animal from the date of impoundment
27 to the date of final disposition of the criminal charges. The

1 testimony of a person at a hearing held under this subsection is
2 not admissible against him or her in any criminal proceeding except
3 in a criminal prosecution for perjury. The testimony of a person at
4 a hearing held under this subsection does not waive the person's
5 constitutional right against self-incrimination. An animal seized
6 under this section or section 50b is not subject to any other civil
7 action pending the final judgment of the forfeiture action under
8 this subsection.

9 (4) A person who violates subsection (2) is guilty of a crime
10 as follows:

11 (a) Except as otherwise provided in subdivisions (c) and (d),
12 if the violation involved 1 animal, the person is guilty of a
13 misdemeanor punishable by 1 or more of the following and may be
14 ordered to pay the costs of prosecution:

15 (i) Imprisonment for not more than 93 days.

16 (ii) A fine of not more than \$1,000.00.

17 (iii) Community service for not more than 200 hours.

18 (b) Except as otherwise provided in subdivisions (c) and (d),
19 if the violation involved 2 or 3 animals or the death of any
20 animal, the person is guilty of a misdemeanor punishable by 1 or
21 more of the following and may be ordered to pay the costs of
22 prosecution:

23 (i) Imprisonment for not more than 1 year.

24 (ii) A fine of not more than \$2,000.00.

25 (iii) Community service for not more than 300 hours.

26 (c) If the violation involved 4 or more animals but fewer than
27 10 animals or the person had 1 prior conviction under subsection

1 (2), the person is guilty of a felony punishable by 1 or more of
2 the following and may be ordered to pay the costs of prosecution:

3 (i) Imprisonment for not more than 2 years.

4 (ii) A fine of not more than \$2,000.00.

5 (iii) Community service for not more than 300 hours.

6 (d) If the violation involved 10 or more animals or the person
7 had 2 or more prior convictions for violating subsection (2), the
8 person is guilty of a felony punishable by 1 or more of the
9 following and may be ordered to pay the costs of prosecution:

10 (i) Imprisonment for not more than 4 years.

11 (ii) A fine of not more than \$5,000.00.

12 (iii) Community service for not more than 500 hours.

13 (5) The court may order a person convicted of violating
14 subsection (2) to be evaluated to determine the need for
15 psychiatric or psychological counseling and, if determined
16 appropriate by the court, to receive psychiatric or psychological
17 counseling. The evaluation and counseling ~~shall~~**MUST** be at the
18 defendant's own expense.

19 (6) This section does not prohibit a person from being charged
20 with, convicted of, or punished for any other violation of law
21 arising out of the same transaction as ~~the~~**A** violation of this
22 section.

23 (7) The court may order a term of imprisonment imposed for a
24 violation of this section to be served consecutively to a term of
25 imprisonment imposed for any other crime including any other
26 violation of law arising out of the same transaction as the
27 violation of this section.

1 (8) As a part of the sentence for a violation of subsection
2 (2), the court may order the defendant to pay the costs of the
3 care, housing, and veterinary medical care for the animal, as
4 applicable. If the court does not order a defendant to pay all of
5 the applicable costs listed in this subsection, or orders only
6 partial payment of these costs, the court shall state on the record
7 the reason for that action.

8 (9) As a part of the sentence for a violation of subsection
9 (2), the court ~~may,~~ **SHALL**, as a condition of probation, order the
10 defendant not to own or possess an animal for a period of time not
11 to exceed the period of probation. If a person is convicted of a
12 second or subsequent violation of subsection (2), the court ~~may~~
13 **SHALL, AS A CONDITION OF PROBATION**, order the defendant not to own
14 or possess an animal for ~~any~~ **A period of time AT LEAST 5 YEARS**
15 **AFTER THE DATE OF SENTENCING OR THE DATE OF RELEASE FROM**
16 **INCARCERATION, WHICHEVER IS LATER, including AND MAY ORDER**
17 permanent relinquishment of animal ownership.

18 (10) A person who owns or possesses an animal in violation of
19 an order issued under subsection (9) is subject to revocation of
20 probation if the order is issued as a condition of probation. A
21 person who owns or possesses an animal in violation of an order
22 issued under subsection (9) is also subject to the civil and
23 criminal contempt power of the court, and if found guilty of
24 criminal contempt, may be punished by imprisonment for not more
25 than 90 days, or by a fine of not more than \$500.00, or both.

26 (11) **THIS SECTION DOES NOT PROHIBIT THE LAWFUL KILLING OF**
27 **LIVESTOCK OR A CUSTOMARY ANIMAL HUSBANDRY OR FARMING PRACTICE**

1 **INVOLVING LIVESTOCK.**

2 (12) ~~(11)~~ This section does not prohibit the lawful killing or
3 other use of an animal, including the following:

4 (a) Fishing.

5 (b) Hunting, trapping, or wildlife control regulated under the
6 natural resources and environmental protection act, 1994 PA 451,
7 MCL 324.101 to 324.90106.

8 (c) Horse racing.

9 (d) The operation of a zoological park or aquarium.

10 (e) Pest or rodent control regulated under part 83 of the
11 natural resources and environmental protection act, 1994 PA 451,
12 MCL 324.8301 to 324.8336.

13 ~~—— (f) Farming or a generally accepted animal husbandry or~~
14 ~~farming practice involving livestock.~~

15 (F) ~~(g)~~ Activities authorized under rules promulgated under
16 section 9 of the executive organization act of 1965, 1965 PA 380,
17 MCL 16.109.

18 (G) ~~(h)~~ Scientific research under 1969 PA 224, MCL 287.381 to
19 287.395.

20 (H) ~~(i)~~ Scientific research **OR THE LAWFUL KILLING OF AN ANIMAL**
21 under sections 2226, 2671, 2676, and 7333 of the public health
22 code, 1978 PA 368, MCL 333.2226, 333.2671, 333.2676, and 333.7333.

23 (13) ~~(12)~~ This section does not apply to a veterinarian or a
24 veterinary technician lawfully engaging in the practice of
25 veterinary medicine under part 188 of the public health code, 1978
26 PA 368, MCL 333.18801 to 333.18838.

27 Sec. 50b. (1) As used in this section, "animal" means ~~any~~ **A**

1 vertebrate other than a human being.

2 (2) Except as otherwise provided in this section, a person
3 shall not do any of the following without just cause:

4 (a) Knowingly kill, torture, mutilate, maim, or disfigure an
5 animal.

6 (b) Commit a reckless act knowing or having reason to know
7 that the act will cause an animal to be killed, tortured,
8 mutilated, maimed, or disfigured.

9 (c) Knowingly administer poison to an animal, or knowingly
10 expose an animal to any poisonous substance, with the intent that
11 the substance be taken or swallowed by the animal.

12 (3) A person who violates subsection (2) is guilty of a felony
13 punishable by 1 or more of the following:

14 (a) Imprisonment for not more than 4 years.

15 (b) A fine of not more than \$5,000.00 for a single animal and
16 \$2,500.00 for each additional animal involved in the violation, but
17 not to exceed a total of \$20,000.00.

18 (c) Community service for not more than 500 hours.

19 (4) As a part of the sentence for a violation of subsection
20 (2), the court may order the defendant to pay the costs of the
21 prosecution and the costs of the care, housing, and veterinary
22 medical care for the impacted animal victim, as applicable. If the
23 court does not order a defendant to pay all of the applicable costs
24 listed in this subsection, or orders only partial payment of these
25 costs, the court shall state on the record the reasons for that
26 action.

27 (5) If a term of probation is ordered for a violation of

1 subsection (2), the court may include as a condition of that
2 probation that the defendant be evaluated to determine the need for
3 psychiatric or psychological counseling and, if determined
4 appropriate by the court, to receive psychiatric or psychological
5 counseling at his or her own expense.

6 (6) As a part of the sentence for a violation of subsection
7 (2), the court ~~may~~ **SHALL, AS A CONDITION OF PROBATION,** order the
8 defendant not to own or possess an animal for ~~any~~ **A** period of ~~time~~
9 ~~determined by the court,~~ **AT LEAST 5 YEARS AFTER THE DATE OF**
10 **SENTENCING OR THE DATE OF RELEASE FROM INCARCERATION, WHICHEVER IS**
11 **LATER, which** ~~AND may include~~ **ORDER** permanent relinquishment **OF**
12 **ANIMAL OWNERSHIP.**

13 (7) A person who owns or possesses an animal in violation of
14 an order issued under subsection (6) is subject to revocation of
15 probation if the order is issued as a condition of probation. A
16 person who owns or possesses an animal in violation of an order
17 issued under subsection (6) is also subject to the civil and
18 criminal contempt power of the court and, if found guilty of
19 criminal contempt, may be punished by imprisonment for not more
20 than 90 days or a fine of not more than \$500.00, or both.

21 (8) This section does not prohibit the lawful killing of
22 livestock or a customary animal husbandry or farming practice
23 involving livestock. ~~As used in this subsection, "livestock" means~~
24 ~~that term as defined in section 5 of the animal industry act, 1988~~
25 ~~PA 466, MCL 287.705.~~

26 (9) This section does not prohibit the lawful killing of an
27 animal pursuant to any of the following:

1 (a) Fishing.

2 (b) Hunting, trapping, or wildlife control regulated under the
3 natural resources and environmental protection act, 1994 PA 451,
4 MCL 324.101 to 324.90106, and orders issued under that act.

5 (c) Pest or rodent control regulated under part 83 of the
6 natural resources and environmental protection act, 1994 PA 451,
7 MCL 324.8301 to 324.8336.

8 (d) Activities authorized under rules promulgated under
9 section 9 of the executive organization act of 1965, 1965 PA 380,
10 MCL 16.109.

11 (e) Section 19 of the dog law of 1919, 1919 PA 339, MCL
12 287.279.

13 (10) This section does not prohibit the lawful killing or use
14 of an animal for scientific research under any of the following or
15 a rule promulgated under any of the following:

16 (a) 1969 PA 224, MCL 287.381 to 287.395.

17 (b) Sections 2226, 2671, 2676, ~~7109~~, and 7333 of the public
18 health code, 1978 PA 368, MCL 333.2226, 333.2671, 333.2676,
19 ~~333.7109~~, and 333.7333.

20 (11) This section does not apply to a veterinarian or a
21 veterinary technician lawfully engaging in the practice of
22 veterinary medicine under part 188 of the public health code, 1978
23 PA 368, MCL 333.18801 to 333.18838.

24 Enacting section 1. This amendatory act takes effect 90 days
25 after the date it is enacted into law.