

HOUSE BILL NO. 6421

November 12, 2020, Introduced by Reps. Bolden, Meerman, Coleman and Steven Johnson and referred to the Committee on Government Operations.

A bill to amend 2000 PA 274, entitled
"Large carnivore act,"
by amending sections 18 and 20 (MCL 287.1118 and 287.1120).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 18. (1) A law enforcement officer may return a seized
2 large carnivore to the owner of the large carnivore if the law
3 enforcement officer is satisfied that the conditions resulting in
4 the seizure have been corrected. If the large carnivore was seized
5 pursuant to process issued by a court, the law enforcement officer

1 shall obtain approval of the court before returning the large
2 carnivore.

3 (2) Unless the large carnivore has been returned, the law
4 enforcement officer shall, within 10 days after the large carnivore
5 is seized, give written notice of the seizure and intent to forfeit
6 the large carnivore to each of the following persons:

7 (a) The owner of the large carnivore.

8 (b) Any person who was injured or whose property was damaged
9 by the large carnivore.

10 (3) ~~The~~ **Before January 1, 2022, the** notice required under
11 subsection (2) ~~shall~~ **must** be delivered in person or sent by
12 certified mail. ~~If~~ **Before January 1, 2022, if** the name and address
13 of the person are not reasonably ascertainable or personal delivery
14 of the notice cannot reasonably be accomplished, the notice ~~shall~~
15 **must** be published in a newspaper of general circulation in the
16 county in which the large carnivore was seized for 10 successive
17 publishing days. **Beginning January 1, 2022, the notice required**
18 **under subsection (2) must be provided by sending the notice by**
19 **certified mail. Beginning January 1, 2022, if the name and address**
20 **of the person are not reasonably ascertainable, the notice must be**
21 **provided using public notice as provided in the local government**
22 **public notice act.** Proof of written notice or publication shall be
23 filed with the court having jurisdiction over the seizure or
24 forfeiture.

25 (4) The law enforcement officer shall immediately after
26 seizure of the large carnivore notify the prosecuting attorney for
27 the county in which the large carnivore was seized or, if the
28 attorney general is actively handling a case involving or relating
29 to the large carnivore, the attorney general, of the seizure of the

1 large carnivore and any intent to forfeit the large carnivore under
2 this act.

3 Sec. 20. (1) A law enforcement officer shall return a seized
4 large carnivore to the owner of the large carnivore within 7 days
5 after the occurrence of any of the following:

6 (a) The failure to issue a warrant against the owner of the
7 large carnivore for committing a misdemeanor under section 15 or to
8 file a complaint under section 16(3) within 10 days after the large
9 carnivore is seized.

10 (b) The dismissal of charges against the owner of the large
11 carnivore under section 15 or of a complaint under section 16(3),
12 as applicable.

13 (c) The court's determination that an order for the large
14 carnivore to be forfeited shall not be entered.

15 (d) The acquittal of the owner of the large carnivore of any
16 charges under section 15.

17 (e) Entry of a court order under this act for the return of
18 the large carnivore.

19 (2) If a large carnivore is returned under subsection (1), the
20 law enforcement officer shall give written notice to the persons
21 who received notice under section 18 that the large carnivore has
22 been returned. ~~The~~ **Before January 1, 2022, the** notice under this
23 subsection ~~shall~~ **must** be delivered in person or sent by certified
24 mail. ~~If~~ **Before January 1, 2022, if** the name and address of the
25 person are not reasonably ascertainable or personal delivery of the
26 notice cannot reasonably be accomplished, the notice ~~shall~~ **must** be
27 published in a newspaper of general circulation in the county in
28 which the large carnivore was seized for 10 successive publishing
29 days. **Beginning January 1, 2022, the notice required under this**

1 subsection must be provided by sending the notice by certified
2 mail. Beginning January 1, 2022, if the name and address of the
3 person are not reasonably ascertainable, the notice must be
4 provided using public notice as provided in the local government
5 public notice act.

6 (3) If the court orders a large carnivore to be forfeited, the
7 order of forfeiture shall direct that each large carnivore be
8 transferred to a wildlife sanctuary approved by the ~~association of~~
9 ~~sanctuaries, American Sanctuary Association~~, an animal protection
10 shelter, or a zoo accredited by the ~~American zoo and aquarium~~
11 ~~association, Association of Zoos and Aquariums~~, where the large
12 carnivore will be safely and humanely cared for. ~~However, subject~~
13 **Subject** to section 10, if the large carnivore killed or injured a
14 human or ~~an~~ animal, the order of forfeiture may direct that the
15 large carnivore be humanely euthanized by a veterinarian. An order
16 of forfeiture shall ~~also~~ revoke any permit that may have been
17 issued for the large carnivore under section 4 and order payment of
18 costs under subsection (4). The forfeiture is a civil forfeiture.

19 (4) If a large carnivore is seized, the owner of the large
20 carnivore is liable for the costs of placement and care for the
21 large carnivore from the time of seizure until the time of return
22 or forfeiture and, if a large carnivore is ordered to be forfeited
23 and euthanized, for the costs of humanely euthanizing and disposing
24 of the large carnivore. This subsection does not apply if the large
25 carnivore is returned under subsection (1) or section 19.

26 Enacting section 1. This amendatory act does not take effect
27 unless Senate Bill No. ____ or House Bill No. 6440 (request no.
28 02449'19) of the 100th Legislature is enacted into law.