

HOUSE BILL NO. 6422

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 246, entitled
"Wolf-dog cross act,"
by amending sections 18 and 20 (MCL 287.1018 and 287.1020).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

1 shall obtain approval of the court before returning the wolf-dog
2 cross.

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

7 (a) The owner of the wolf-dog cross.

8 (b) Each person with a known ownership interest in the wolf-
9 dog cross.

10 (c) Any person who was injured or whose property was damaged
11 by the wolf-dog cross.

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

27 (4) The law enforcement officer shall immediately after
28 seizure of the wolf-dog cross notify the prosecuting attorney for
29 the county in which the wolf-dog cross was seized or, if the

1 attorney general is actively handling a case involving or relating
2 to the wolf-dog cross, the attorney general, of the seizure of the
3 wolf-dog cross and any intent to forfeit the wolf-dog cross under
4 this act.

5 Sec. 20. (1) A law enforcement officer shall return a seized
6 wolf-dog cross to the owner of the wolf-dog cross within 7 days
7 after the occurrence of any of the following:

8 (a) The failure to issue a warrant against the owner or person
9 temporarily in possession of the wolf-dog cross for committing a
10 misdemeanor under section 15 or to file a complaint under section
11 16(3) within 10 days after the wolf-dog cross is seized.

12 (b) The dismissal of charges against the owner or person
13 temporarily in possession of the wolf-dog cross under section 15 or
14 of a complaint under section 16(3), as applicable.

15 (c) The court's determination that an order for the wolf-dog
16 cross to be forfeited shall not be entered.

17 (d) The acquittal of the owner or person temporarily in
18 possession of the wolf-dog cross of any charges under section 15.

19 (e) Entry of a court order under this act for the return of
20 the wolf-dog cross.

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

1 which the wolf-dog cross was seized for 10 successive publishing
2 days. **Beginning January 1, 2022, the notice required under this**
3 **subsection must be provided by sending the notice by certified**
4 **mail. Beginning January 1, 2022, if the name and address of the**
5 **person are not reasonably ascertainable, the notice must be**
6 **provided using public notice as provided in the local government**
7 **public notice act.**

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

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

29 Enacting section 1. This amendatory act does not take effect

- 1 unless Senate Bill No. _____ or House Bill No. 6440 (request no.
- 2 02449'19) of the 100th Legislature is enacted into law.