

# SENATE BILL NO. 1232

November 18, 2020, Introduced by Senators MCCANN, BULLOCK, GEISS and BAYER and referred to the Committee on Agriculture.

A bill to amend 1988 PA 426, entitled

"An act to regulate dangerous animals; to provide for the confinement, tattooing, or destruction of dangerous animals; and to provide penalties for the owners or keepers of dangerous animals that attack human beings,"

by amending the title and sections 1, 2, and 3 (MCL 287.321, 287.322, and 287.323) and by adding sections 2a, 2b, 2c, 2d, 2e, 3a, and 3b.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**1** TITLE  
**2** An act to regulate dangerous animals, **potentially dangerous**

1 **dogs, and dangerous dogs;** to provide for the confinement,  
 2 tattooing, or destruction of dangerous animals; **to require the**  
 3 **owners of potentially dangerous dogs and dangerous dogs to comply**  
 4 **with certain requirements; to require the registration of dangerous**  
 5 **dogs; to provide for the powers and duties of certain state and**  
 6 **local governmental officers and entities;** and to ~~provide~~ **prohibit**  
 7 **certain acts and prescribe** penalties. ~~for the owners or keepers of~~  
 8 ~~dangerous animals that attack human beings.~~

9 Sec. 1. As used in this act:

10 (a) "Altered" means a dog that has undergone a professional  
 11 sterilization procedure performed by a veterinarian that rendered  
 12 the dog incapable of reproducing.

13 (b) "Animal care facility" means an animal shelter or other  
 14 boarding facility where a dog may be cared for and housed or kept.

15 (c) "Animal control department" means an animal control  
 16 shelter as that term is defined in section 1 of 1969 PA 287, MCL  
 17 287.331.

18 (d) "Attack" means the deliberate action of an animal, whether  
 19 or not in response to a command by its owner, to bite, seize with  
 20 its teeth, or pursue an individual or domestic animal with the  
 21 intent to kill, wound, injure, or harm.

22 (e) ~~(a)~~ "Dangerous animal" means ~~a dog or other~~ **an animal,**  
 23 **other than a dog,** that bites or attacks ~~a person, or a dog that~~  
 24 ~~bites or attacks and causes serious injury or death to another dog~~  
 25 ~~while the other dog is on the property or under the control of its~~  
 26 ~~owner. However, a dangerous~~ **an individual or domestic animal.**  
 27 **Dangerous** animal does not include any of the following:

28 (i) An animal that bites or attacks ~~a person~~ **an individual** who  
 29 is knowingly trespassing on the property of the animal's owner.

1           (ii) An animal that bites or attacks ~~a person~~ **an individual** who  
2 provokes or torments the animal.

3           (iii) An animal that is responding in a manner that an ordinary  
4 and reasonable person would conclude was designed to protect a  
5 ~~person~~ **an individual** if that ~~person~~ **individual** is engaged in a  
6 lawful activity or is the subject of an assault.

7           (iv) Livestock.

8           (f) "Dangerous dog" means 1 or more of the following, subject  
9 to subdivision (g):

10           (i) A dog that has been determined to be a potentially  
11 dangerous dog and whose owner has been given notice that the dog is  
12 a potentially dangerous dog, if 1 of the following is satisfied:

13           (A) The dog bites, attacks, or threatens the safety of an  
14 individual or a domestic animal.

15           (B) The owner maintains the dog in violation of this act.

16           (ii) A dog that kills or inflicts severe injury on an  
17 individual without provocation.

18           (iii) A dog that kills a domestic animal without provocation, if  
19 the dog is not on its owner's real property.

20           (iv) A dog that has been used or trained for dog fighting.

21           (v) A dog that has committed at least 3 reported and  
22 documented bites without provocation.

23           (g) "Dangerous dog" or "potentially dangerous dog" does not  
24 include a dog that threatens, injures, or damages an individual,  
25 animal, or property under 1 or more of the following circumstances:

26           (i) An individual was committing a willful trespass or other  
27 unlawful conduct upon the owner's real property.

28           (ii) An individual was intentionally provoking, tormenting,

1 abusing, or assaulting the dog, its owner, or a family member of  
2 the owner.

3 (iii) An individual was committing or attempting to commit a  
4 crime.

5 (iv) A domestic animal was attacking or menacing the dog.

6 (v) An animal was attacking or menacing the dog while on the  
7 owner's real property.

8 (vi) The dog was responding to pain or injury or protecting its  
9 offspring.

10 (vii) The dog was protecting or defending an individual within  
11 the immediate vicinity of the dog from an attack or assault.

12 (viii) The dog was working as a hunting dog, herding dog, or  
13 predator control dog on the owner's real property or under the  
14 control of its owner, and the injury or damage was to a species or  
15 type of domestic animal appropriate to the work of the dog.

16 (h) "Dog" means an animal within the canine family.

17 (i) "Domestic animal" means a dog, a cat, poultry, livestock,  
18 or any other animal that is kept, bred, bought, sold, or considered  
19 by the owner to be a pet.

20 (j) "Impound" means to seize and take into the custody of an  
21 animal control department.

22 (k) ~~(b)~~ "Livestock" means animals used for human food and  
23 fiber or animals used for service to ~~human beings.~~ **humans**.  
24 Livestock includes, but is not limited to, cattle, swine, sheep,  
25 llamas, goats, bison, equine, poultry, and rabbits. Livestock does  
26 not include **domestic** animals. ~~that are human companions, such as~~  
27 ~~dogs and cats.~~

28 (l) ~~(e)~~ "Owner" means ~~a person~~ **an individual** who owns, ~~or~~  
29 harbors, ~~a dog or other~~ **keeps, possesses, or has control or custody**

1 of dog or other animal.

2 (m) Owner's real property" means real property owned or leased  
3 by the owner of a dog or other animal. Owner's real property does  
4 not include a public right-of-way or a common area of a condominium  
5 complex, manufactured home park, apartment complex, or townhouse  
6 development.

7 (n) "Potentially dangerous dog" means 1 or more of the  
8 following, subject to subdivision (g):

9 (i) A dog that has a known propensity or disposition, as  
10 indicated by sworn statements from at least 2 adults and an  
11 investigation by an appropriate authority, to attack without  
12 provocation and in a menacing fashion or to threaten the safety of  
13 humans or domestic animals.

14 (ii) A dog that has inflicted severe injury upon a domestic  
15 animal that is on or chased from the owner's real property or under  
16 control of its owner, if the dog inflicted the injury while on  
17 property other than its owner's real property.

18 (iii) A dog that bites an individual without provocation and  
19 inflicts a severe injury upon that individual.

20 (o) ~~(d)~~—"Provoke" means to perform a willful act or omission  
21 that an ordinary and reasonable person would conclude is likely to  
22 precipitate ~~the~~a bite or attack by ~~an ordinary~~a dog or **other**  
23 animal.

24 ~~(e) "Serious injury" means permanent, serious disfigurement,~~  
25 ~~serious impairment of health, or serious impairment of a bodily~~  
26 ~~function of a person.~~

27 (p) "Severe injury" means a physical injury that results in  
28 broken bones, muscle tears, multiple bite wounds, or disfiguring  
29 lacerations and requires multiple surgeries or corrective or

1 cosmetic surgery.

2 (q) "State veterinarian" means the chief animal health  
3 official of this state as appointed by the director of the  
4 department of agriculture and rural development under section 7 of  
5 the animal industry act, 1988 PA 466, MCL 287.707, or his or her  
6 authorized representative.

7 (r) ~~(f)~~ "Torment" means an act or omission that causes  
8 unjustifiable pain, suffering, and distress to ~~an~~ a dog or other  
9 animal, or causes mental and emotional anguish in the dog or other  
10 animal as evidenced by its altered behavior, for a purpose such as  
11 sadistic pleasure, coercion, or punishment that an ordinary and  
12 reasonable person would conclude is likely to precipitate ~~the~~ a  
13 bite or attack.

14 (s) "Without provocation" means that the victim was conducting  
15 himself or herself lawfully and peacefully at the time he or she  
16 was bitten, attacked, or threatened, or chased in a menacing  
17 fashion by a dog.

18 Sec. 2. (1) Upon a sworn complaint that an animal is a  
19 dangerous animal and ~~the animal has caused serious~~ **severe** injury or  
20 death to a ~~person~~ **an individual** or ~~has caused serious injury or~~  
21 ~~death to a dog~~, a district court magistrate, district court, or a  
22 municipal court shall issue a summons to the owner ordering him or  
23 her to appear to show cause why the animal should not be destroyed.

24 (2) Upon the filing of a sworn complaint as provided in  
25 subsection (1), the **district court magistrate, district court**, or  
26 ~~magistrate~~ **municipal court** shall order the owner to immediately  
27 turn the animal over to a proper animal control ~~authority,~~  
28 **department**, an incorporated humane society, a licensed  
29 veterinarian, or a boarding kennel, at the owner's option, to be

1 retained ~~by them~~ until a hearing is held and a decision is made for  
 2 the disposition of the animal. The owner shall notify the person  
 3 ~~who that~~ retains the animal under this section of the complaint and  
 4 order. The **owner is responsible for the** expense of the boarding and  
 5 retention of the animal. ~~is to be borne by the owner.~~ The animal  
 6 ~~shall must~~ not be returned to the owner until it has a current  
 7 rabies vaccination and a license as required by law.

8 (3) After a hearing, **if the animal is found to be a dangerous**  
 9 **animal that caused the severe injury or death of an individual or**  
 10 **dog, the district court magistrate, district court, or municipal**  
 11 court shall order the destruction of the animal, at the **owner's**  
 12 expense. ~~of the owner, if the animal is found to be a dangerous~~  
 13 ~~animal that caused serious injury or death to a person or a dog.~~  
 14 After a hearing, **if the court finds that the animal is a dangerous**  
 15 **animal that did not cause severe injury or death to an individual**  
 16 **or dog, but is likely to cause severe injury or death to an**  
 17 **individual or dog in the future,** the court may order the  
 18 destruction of the animal, at the **owner's** expense. ~~of the owner, if~~  
 19 ~~the court finds that the animal is a dangerous animal that did not~~  
 20 ~~cause serious injury or death to a person but is likely in the~~  
 21 ~~future to cause serious injury or death to a person or in the past~~  
 22 ~~has been adjudicated a dangerous animal.~~

23 (4) If the **district court magistrate, district court,** or  
 24 ~~magistrate-municipal court~~ finds that an animal is a dangerous  
 25 animal ~~but that~~ has not caused ~~serious~~ **severe** injury or death to a  
 26 ~~person, an individual or dog,~~ the **district court magistrate,**  
 27 **district court,** or ~~magistrate-municipal court~~ shall notify the  
 28 animal control ~~authority~~ **department** for the county in which the  
 29 complaint was filed of ~~the~~ **all of the following information:**

1           **(a) The** finding of the court. ~~7—the~~

2           **(b) The** name of the owner of the dangerous animal. ~~7—and the~~

3           **(c) The** address at which the animal was kept at the time of  
4 the finding of the court. ~~In addition,~~

5           **(5) If the district court magistrate, district court, or**  
6 ~~magistrate-municipal court finds that an animal is a dangerous~~  
7 **animal that has not caused severe injury or death to an individual**  
8 **or dog, the district court magistrate, district court, or municipal**  
9 **court** shall order the owner of that animal to do 1 or more of the  
10 following:

11           ~~(a) If the animal that has been found to be a dangerous animal~~  
12 ~~is of the canis familiaris species, have an identification number~~  
13 ~~tattooed upon the animal, at the owner's expense, by or under the~~  
14 ~~supervision of a licensed veterinarian. The identification number~~  
15 ~~shall be assigned to the animal by the Michigan department of~~  
16 ~~agriculture and shall be noted in its records pursuant to Act No.~~  
17 ~~309 of the Public Acts of 1939, being sections 287.301 to 287.308~~  
18 ~~of the Michigan Compiled Laws. The identification number shall be~~  
19 ~~tattooed on the upper inner left rear thigh of the animal by means~~  
20 ~~of indelible or permanent ink.~~

21           **(a) (b)–**Take specific steps, such as escape proof fencing or  
22 enclosure, including a top or roof, to ensure that the animal  
23 cannot escape or nonauthorized individuals cannot enter the  
24 premises.

25           **(b) (e)–**Have the animal sterilized.

26           **(c) (d)–**Obtain and maintain liability insurance coverage  
27 sufficient to protect the public from any damage or harm caused by  
28 the animal.

29           **(d) (e)–**Take any other action appropriate to protect the



1 public.

2       Sec. 2a. Upon the filing of a sworn complaint that a dog is a  
3 potentially dangerous dog or dangerous dog, a district court  
4 magistrate, district court, or municipal court shall do both of the  
5 following:

6       (a) Issue a summons to the owner ordering him or her to appear  
7 to show cause why the dog should not be declared a potentially  
8 dangerous dog or dangerous dog.

9       (b) If the dog poses an immediate threat to public safety,  
10 order that the animal control department or law enforcement agency  
11 impound the dog until a hearing is held and a decision is made for  
12 the disposition of the dog at the owner's expense.

13       Sec. 2b. (1) After a hearing under section 2a, if the district  
14 court magistrate, district court, or municipal court finds that a  
15 dog is a potentially dangerous dog, the district court magistrate,  
16 district court, or municipal court shall order the owner to do all  
17 of the following:

18       (a) Have the dog sterilized and vaccinated for rabies.

19       (b) Obtain a license for the dog as provided in the dog law of  
20 1919, 1919 PA 339, MCL 287.261 to 287.290.

21       (c) Not later than 30 days after the district court  
22 magistrate, district court, or municipal court issues its finding,  
23 give written notice of the finding to the local branch of the  
24 United States Post Office and all utility companies that provide  
25 services to the owner's real property. The owner shall provide a  
26 copy of each notice given under this section to the animal control  
27 department.

28       (d) Disclose the finding in writing to each provider of  
29 service or treatment to the dog. As used in this subdivision,

1 "provider of service or treatment" includes, but is not limited to,  
2 the following:

3 (i) An individual authorized to practice veterinary medicine  
4 under part 188 of the public health code, 1978 PA 368, MCL  
5 333.18801 to 333.18838.

6 (ii) A dog groomer.

7 (iii) A staff member of a humane society or other animal welfare  
8 agency.

9 (iv) An animal care facility worker.

10 (v) A professional dog handler or trainer.

11 (e) While on the owner's real property, keep the dog indoors  
12 or in a securely fenced yard from which the dog cannot escape and  
13 into which children cannot trespass.

14 (f) While outside the owner's real property, keep the dog  
15 under the control of a responsible adult and restrained on a leash  
16 that is not more than 6 feet long.

17 (2) Except as provided in subsection (3), after a hearing  
18 under section 2a, if the district court magistrate, district court,  
19 or municipal court finds that a dog is a dangerous dog and if the  
20 release of the dog would pose a significant threat to public  
21 health, safety, or welfare, the district court magistrate, district  
22 court, or municipal court shall order 1 of the following, and in  
23 addition, may prohibit the owner from owning, possessing,  
24 controlling, or having custody of a dog for a time period of up to  
25 3 years:

26 (a) The owner to relinquish the dog to the animal control  
27 department.

28 (b) The animal control department to euthanize the dog.

29 (3) After a hearing under section 2a, if the district court

1 magistrate, district court, or municipal court finds that the dog  
2 is a dangerous dog but does not order the dog to be euthanized  
3 under subsection (2), the district court magistrate, district  
4 court, or municipal court shall order the owner to do all of the  
5 following:

6 (i) Complete the requirements under subsection (1)(a) to (d).

7 (ii) Tattoo the dog on the dog's upper inner left rear thigh by  
8 means of indelible or permanent ink or by electronic implantation  
9 with an identification number.

10 (iii) While on the owner's real property, keep the dog indoors  
11 or in a securely enclosed and locked structure of a sufficient  
12 height and design to prevent the dog's escape or direct contact  
13 with or entry by individuals or other animals, and that is designed  
14 to provide shelter from the elements.

15 (iv) While outside the owner's real property, the owner shall  
16 do all of the following:

17 (A) Ensure that the dog is wearing a muzzle that prevents the  
18 dog from biting an individual or other animal, but that does not  
19 injure the dog or interfere with its breathing.

20 (B) Keep the dog under the control of a responsible adult.

21 (C) Restrain the dog on a leash that is not more than 6 feet  
22 long.

23 Sec. 2c. (1) The owner of a dog that is found to be a  
24 potentially dangerous dog or dangerous dog under section 2a shall  
25 notify the animal control department if any of the following occur:

26 (a) The dog is loose or unconfined.

27 (b) The dog bites an individual or attacks another animal.

28 (c) The dog is sold, given away, or dies.

29 (2) If the owner of a dog that is found to be a potentially

1 dangerous dog or dangerous dog under section 2a moves to a new  
2 address, the owner shall notify the animal control department  
3 having jurisdiction of his or her previous address and the animal  
4 control department having jurisdiction of his or her new address  
5 within 10 days after the owner moves.

6 (3) The owner of a dangerous dog shall not sell or otherwise  
7 transfer ownership of the dog. The owner of a dangerous dog shall  
8 not relinquish the dog to an animal control department except for  
9 the purposes of euthanasia.

10 Sec. 2d. (1) The animal control department shall maintain a  
11 list of all dogs within its jurisdiction that have been found to be  
12 potentially dangerous dogs under section 2a for 5 years.

13 (2) The animal control department may remove a potentially  
14 dangerous dog from the list maintained under subsection (1) if the  
15 owner demonstrates to the satisfaction of the animal control  
16 department that a change in circumstances or an action taken by the  
17 owner has mitigated the risk the dog poses to public safety.

18 Sec. 2e. (1) Not later than 10 days after the dog is found to  
19 be a dangerous dog under section 2a, the owner shall obtain a  
20 dangerous dog registration certificate and tag identifying the dog  
21 as a dangerous dog from the animal control department for a fee,  
22 not less than \$100.00, to be determined by the county board of  
23 commissioners for the county within which the animal control  
24 department is located. The tag described in this subsection must be  
25 of a uniform design developed by the same entity that develops the  
26 dog licenses for the animal control department issuing the tag, and  
27 must specify, in large letters, the phrase "dangerous dog". A  
28 certificate or renewal of a certificate under this section must  
29 only be issued to an individual who is 18 years of age or older.

1 The animal control department shall only issue a certificate or  
2 renewal of a certificate to an owner who presents satisfactory  
3 evidence of all of the following:

4 (a) That the dog is vaccinated for rabies, altered, and  
5 permanently identified as required under section 2b(3).

6 (b) That the dog is confined indoors or in a securely enclosed  
7 and locked structure of a sufficient height and design to prevent  
8 the dog's escape or direct contact with or entry by an individual  
9 or another animal, and that is designed to provide shelter from the  
10 elements.

11 (c) That the owner posts clearly visible signs on his or her  
12 property warning people that a dangerous dog is present on the  
13 property.

14 (d) That the owner either has liability insurance coverage in  
15 the amount of at least \$100,000.00 that covers dog bites or secures  
16 and maintains a surety bond in the amount of at least \$100,000.00.

17 (2) The owner shall affix the tag described in subsection (1)  
18 to the dog's collar and ensure that the dog wears the collar and  
19 tag at all times.

20 (3) A certificate obtained under subsection (1) must be  
21 renewed annually for a fee and in the same manner the initial  
22 certificate was obtained.

23 (4) The animal control department shall provide a copy of each  
24 dangerous dog registration issued under this section and  
25 verification of compliance with subsection (1) to the state  
26 veterinarian.

27 Sec. 3. (1) The owner of an animal that meets the definition  
28 of a dangerous animal in section 1(a) that causes the death of a  
29 ~~person~~**an individual** is guilty of involuntary manslaughter,

1 punishable under section 321 of the Michigan penal code, ~~Act No.~~  
2 ~~328 of the Public Acts of 1931, being section 750.321 of the~~  
3 ~~Michigan Compiled Laws.1931 PA 328, MCL 750.321.~~

4 (2) If an animal that meets the definition of a dangerous  
5 animal in section 1(a) attacks ~~a person~~**an individual** and causes  
6 ~~serious~~**severe** injury other than death, the owner of the animal is  
7 guilty of a felony, punishable by imprisonment for not more than 4  
8 years, a fine of not less than \$2,000.00, or community service work  
9 for not less than 500 hours, or any combination of these penalties.

10 (3) If an animal previously adjudicated to be a dangerous  
11 animal attacks or bites ~~a person~~**an individual** and causes an injury  
12 that is not a ~~serious~~**severe** injury, the owner of the animal is  
13 guilty of a misdemeanor, punishable by imprisonment for not more  
14 than 90 days, a fine of not less than \$250.00 ~~nor~~**or** more than  
15 \$500.00, or community service work for not less than 240 hours, or  
16 any combination of these penalties.

17 (4) If the owner of an animal that is previously adjudicated  
18 to be a dangerous animal allows the animal to run at large, the  
19 owner is guilty of a misdemeanor, punishable by imprisonment for  
20 not more than 90 days, a fine of not less than \$250.00 ~~nor~~**or** more  
21 than \$500.00, or community service work for not less than 240  
22 hours, or any combination of these penalties.

23 (5) The court may order ~~a person~~**an individual** convicted under  
24 this section to pay the costs of the prosecution.

25 **Sec. 3a. (1) If the owner of a potentially dangerous dog or**  
26 **dangerous dog fails to comply with this act, he or she is guilty of**  
27 **a felony punishable by imprisonment for not more than 4 years, a**  
28 **fine of not less than \$2,000.00, or community service work for not**  
29 **less than 500 hours, or any combination of these penalties.**

1           (2) If a potentially dangerous dog or dangerous dog attacks an  
2 individual after a finding is made under section 2a, the owner  
3 shall relinquish the dog to the appropriate animal control  
4 department within 7 days. The animal control department shall  
5 euthanize the dog.

6           Sec. 3b. The governing body of a local unit of government may  
7 enact an ordinance regulating potentially dangerous dogs and  
8 dangerous dogs that is substantially similar to sections 2a to 2e.