

SENATE BILL NO. 783

March 13, 2024, Introduced by Senators SHINK, BAYER, WOJNO and CHANG and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 50d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 **Sec. 50d. (1) As used in this section:**
2 **(a) "Animal abuse or neglect" means any of the following:**
3 **(i) A violation of section 49(2), 50, or 50b.**
4 **(ii) A violation of section 158 committed with an animal.**

1 (b) "Animal control officer" means an animal control officer
2 provided for under sections 29a to 29c of the dog law of 1919, 1919
3 PA 339, MCL 287.289a to 287.289c.

4 (c) "Animal cruelty investigator" means an individual that
5 works for a private animal protection shelter, as that term is
6 defined in section 1 of 1969 PA 287, MCL 287.331, that is trained
7 to investigate reports of animal abuse and neglect and enforce
8 state and local animal cruelty laws in accordance with section 55.

9 (d) "Child abuse" means that term as defined in section 2 of
10 the child protection law, 1975 PA 238, MCL 722.622.

11 (e) "Child neglect" means that term as defined in section 2 of
12 the child protection law, 1975 PA 238, MCL 722.622.

13 (f) "CPS employee" means an employee in the child protective
14 services program or successor program of the department of health
15 and human services.

16 (g) "Law enforcement officer" means that term as defined in
17 section 2 of the Michigan commission on law enforcement standards
18 act, 1965 PA 203, MCL 28.602.

19 (2) If, in the course of investigating suspected child abuse
20 or child neglect, a CPS employee has reasonable cause to suspect
21 animal abuse or neglect, the CPS employee shall immediately make or
22 cause to be made an oral report of the suspected animal abuse or
23 neglect to an animal control officer or law enforcement officer for
24 the jurisdiction where the animal was found. In addition, the CPS
25 employee may report the suspected animal abuse or neglect to an
26 animal cruelty investigator for the jurisdiction where the animal
27 was found.

28 (3) Within 72 hours after the oral report is made under
29 subsection (2), the CPS employee shall file a written report with

1 an animal control officer or law enforcement officer for the
2 jurisdiction where the animal was found. In addition, the CPS
3 employee may provide the written report to an animal cruelty
4 investigator for the jurisdiction where the animal was found. The
5 written report must contain a description of the animal and of the
6 animal abuse or neglect. The written report must contain the name
7 and address of the animal's owner or keeper if that information is
8 available to the CPS employee. The written report must contain
9 other information available to the CPS employee that might assist
10 an animal control officer, law enforcement officer, or animal
11 cruelty investigator to establish the cause of the animal abuse or
12 neglect and the manner in which the animal abuse or neglect
13 occurred.

14 (4) The identity of a CPS employee who makes a report under
15 this section is confidential and subject to disclosure only with
16 the consent of that CPS employee or by judicial process. A CPS
17 employee who makes a report under this section is presumed to have
18 acted in good faith. A CPS employee acting in good faith who makes
19 a report under this section or cooperates in an investigation of
20 the suspected animal abuse or neglect is immune from civil or
21 criminal liability that might otherwise be incurred by that action.
22 This immunity from civil or criminal liability does not extend to a
23 negligent act that causes personal injury or death.

24 (5) A CPS employee who is required by this section to report
25 an instance of suspected animal abuse or neglect and who knowingly
26 fails to do so is guilty of a misdemeanor punishable by
27 imprisonment for not more than 93 days or a fine of not more than
28 \$500.00, or both.

29 (6) A CPS employee who knowingly makes a false report of

1 animal abuse or neglect under this section is guilty of a crime as
2 follows:

3 (a) If the animal abuse or neglect reported would not
4 constitute a crime or would constitute a misdemeanor if the report
5 were true, the CPS employee is guilty of a misdemeanor punishable
6 by imprisonment for not more than 93 days or a fine of not more
7 than \$100.00, or both.

8 (b) If the animal abuse or neglect reported would constitute a
9 felony if the report were true, the CPS employee is guilty of a
10 felony punishable by the lesser of the following:

11 (i) The penalty for the animal abuse or neglect falsely
12 reported.

13 (ii) Imprisonment for not more than 4 years or a fine of not
14 more than \$2,000.00, or both.

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

17 Enacting section 2. This amendatory act does not take effect
18 unless Senate Bill No. 782 of the 102nd Legislature is enacted into
19 law.