

LARGE CARNIVORE ACT Act 274 of 2000

AN ACT to regulate the ownership, possession, and care of certain large carnivores; to prohibit the ownership and possession of certain large carnivores; to impose fees; to prescribe the powers and duties of certain governmental entities and officials and of certain veterinarians; and to prescribe penalties and provide remedies.

History: 2000, Act 274, Imd. Eff. July 7, 2000.

The People of the State of Michigan enact:

287.1101 Short title.

Sec. 1. This act shall be known and may be cited as the "large carnivore act".

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1102 Definitions.

Sec. 2. As used in this act:

(a) "Animal control officer" means a county animal control officer as described in sections 29a and 29b of the dog law of 1919, 1919 PA 339, MCL 287.289a and 287.289b, or a city, village, or township animal control officer as described in section 29c of the dog law of 1919, 1919 PA 339, MCL 287.289c.

(b) "Animal control shelter" or "animal protection shelter" means an animal control shelter or animal protection shelter, respectively, registered with the department under section 6 of 1969 PA 287, MCL 287.336.

(c) "Circus" means an incorporated, class C licensee that is licensed under chapter I of title 9 of the code of federal regulations, that is temporarily in this state, and that offers skilled performances by live animals, clowns, and acrobats for public entertainment. Circus does not include a person, whether or not a class C licensee, who presents a large carnivore to the public as part of a carnival or for any of the following purposes:

(i) Exhibition.

(ii) Education.

(iii) Entertainment that includes wrestling, a photography opportunity with a patron, or an activity in which the large carnivore and a patron are in close contact with each other.

(d) "Department" means the department of agriculture and rural development.

(e) "Facility" means an indoor or outdoor cage, pen, or similar enclosure where a large carnivore is kept.

(f) "Large carnivore" means either of the following:

(i) Any of the following cats of the Felidae family, whether wild or captive bred, including a hybrid cross with such a cat:

(A) A lion.

(B) A leopard, including, but not limited to, a snow leopard or clouded leopard.

(C) A jaguar.

(D) A tiger.

(E) A cougar.

(F) A panther.

(G) A cheetah.

(ii) A bear of a species that is native or nonnative to this state, whether wild or captive bred.

(g) "Law enforcement officer" means:

(i) A sheriff or sheriff's deputy.

(ii) A village or township marshal.

(iii) An officer of the police department of a city, village, or township.

(iv) An officer of the Michigan state police.

(v) A peace officer who is trained and certified under the commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.616.

(vi) A conservation officer appointed by the department of natural resources.

(vii) An animal control officer.

(viii) A law enforcement officer of the federal government authorized to enforce any federal law regulating animals.

(h) "Livestock" means that term as defined in section 5 of the animal industry act, 1988 PA 466, MCL 287.705.

- (i) "Local unit" means a city, village, township, or county.
- (j) "Permit" means a permit issued under section 4.
- (k) "Permitting agency" means the agency of a local unit that issues permits under section 4.
- (l) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.
- (m) "Pet shop" means a pet shop licensed by the department under section 3 of 1969 PA 287, MCL 287.333.
- (n) "Veterinarian" means a person licensed to practice veterinary medicine under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

History: 2000, Act 274, Imd. Eff. July 7, 2000;—Am. 2013, Act 8, Imd. Eff. Mar. 26, 2013.

287.1103 Prohibited conduct.

Sec. 3. A person shall not do any of the following:

- (a) Own or possess a large carnivore except in compliance with this act.
- (b) Breed a large carnivore.
- (c) Transfer ownership or possession of or receive a transfer of ownership or possession of a large carnivore, with or without remuneration. This subdivision does not apply to a transfer of ownership or possession of a large carnivore expressly authorized or required by this act.

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1104 Possession of large carnivores; conditions; permit application; conditions for issuance; permit contents; notification to department by local unit of government; permit fee.

Sec. 4. (1) A person shall not possess 1 or more large carnivores unless all of the following apply:

- (a) The person owns the large carnivores.
- (b) The person was in possession of those individual large carnivores on the effective date of this act.
- (c) The person applies for a permit for those large carnivores within 90 days after the effective date of this act and obtains a permit for those large carnivores. The permit applies only to those individual large carnivores. The permit is not transferable to another person except through testate or intestate succession. The permit is valid in any local unit in which the possession of the large carnivores is not prohibited by ordinance.

(2) A person shall file an application for a permit with the person specified by the first of the following subdivisions that applies:

- (a) If the large carnivores are kept in a city or village and the city or village employs an animal control officer, with the city or village agency to which the animal control officer is assigned.
- (b) If the large carnivores are kept in a township and the township employs an animal control officer, with the township agency to which the animal control officer is assigned.
- (c) If the county in which the large carnivores are kept employs an animal control officer, with the county agency to which the animal control officer is assigned.
- (d) If subdivisions (a), (b), and (c) do not apply, with the county sheriff of the county where the large carnivores are kept.

(3) An applicant for a permit shall include with the application both of the following:

- (a) An annual permit fee. The annual permit fee shall be established by the governing body of the local unit whose agency issues the permit under subsection (2) and shall be not less than the greater of the following:

(i) Twenty-five dollars, or at the option of the local unit if the applicant keeps more than 1 large carnivore in that local unit, \$25.00 for each large carnivore.

(ii) An amount necessary to cover the local unit's actual, reasonable costs of enforcing this act.

(b) A written statement that does all of the following:

(i) Specifies the number of large carnivores owned by the applicant.

(ii) Describes in detail each large carnivore owned by the applicant, including, but not limited to, its identification number required under section 5.

(iii) Specifies the name, address, and telephone number of the person from whom the owner obtained the large carnivore, if known.

(c) A written statement giving the name and address of the veterinarian who is expected to provide veterinary care to the large carnivore, signed by the veterinarian.

(4) A local unit shall not issue a permit unless it finds that all of the following apply:

(a) The requirements of subsections (1), (2), and (3) are met.

(b) The applicant is 21 years of age or older.

(c) The applicant has not been convicted of or found responsible for violating a local ordinance or state law

prohibiting neglect or mistreatment of an animal and has not within the past 10 years been convicted of a felony.

(d) The applicant is not subject to a court order requiring the forfeiture of a large carnivore or prohibiting the ownership or possession of a large carnivore.

(e) The facility and the conditions in which each large carnivore will be kept comply with this act.

(f) The applicant is knowledgeable about the large carnivore's disposition and care requirements.

(5) A permit shall set forth all of the following:

(a) The name and address of the permit holder and the address where each large carnivore will be kept, if different from that of the permit holder.

(b) The number of large carnivores owned by the permit holder.

(c) The identification number of each large carnivore required under section 5.

(d) The name and address of the veterinarian who is expected to provide veterinary care to the large carnivore.

(e) Any other reasonable information as determined by the local unit, which may include, but need not be limited to, a designation of permits required by a local unit, the department, the department of community health, the department of natural resources, the United States department of agriculture, or the fish and wildlife service of the United States department of the interior.

(6) A local unit that issues a permit shall notify the department of the name and address of the permit holder and the number of large carnivores owned by the permit holder.

(7) The owner of a large carnivore shall annually pay the local unit the annual permit fee established under subsection (3)(a).

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1105 Placement of identification number via subcutaneous microchip.

Sec. 5. The owner of a large carnivore shall have an identification number placed in the large carnivore via subcutaneous microchip, at the expense of the owner, by or under the supervision of a veterinarian.

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1106 Confinement and control of large carnivore; requirements; duties of owner.

Sec. 6. (1) A large carnivore shall not be tethered outdoors, such as on a leash or chain, or allowed to run at-large. Except as provided in this section or section 7, a large carnivore shall be constantly kept in a facility that meets all of the following requirements:

(a) Is sufficiently secure to prevent the large carnivore's escape and protect the large carnivore from injury.

(b) Is constructed of cement blocks, bricks, concrete, chain link fence, wires, or bars of a suitable thickness, gauge, or diameter to prevent the large carnivore's escape and to protect the large carnivore from injury.

(c) Has an entrance with a lock that is kept locked at all times when the large carnivore is kept in the facility.

(d) Is well-braced and securely anchored at ground level or, if the facility is located in a residence or other building, at floor level and utilizes metal clamps, ties, or braces of a strength sufficient for cage construction for that species of large carnivore.

(e) Is enclosed within a secondary fence that is located at least 3 feet outside of the walls of the facility and is adequate to prevent a human from coming into contact with the large carnivore.

(f) Has a floor area that meets or exceeds the minimum standards for housing as prescribed under the animal welfare act, Public Law 89-544, 7 U.S.C. 2131 to 2147, 2149 and 2151 to 2159, and regulations promulgated under that act.

(2) The owner of a large carnivore may, on a permanent or temporary basis, keep the large carnivore in the person's dwelling and not in a facility if the large carnivore is under the supervision of a person 21 years of age or older.

(3) The owner of a large carnivore may take the large carnivore outdoors if the owner of the large carnivore holds the large carnivore under control on a secure leash that is not more than 6 feet long and either or both of the following apply:

(a) The large carnivore is within a securely fenced area.

(b) The large carnivore is being moved between any 2 of the following:

(i) The large carnivore's facility.

(ii) The dwelling of the owner of the large carnivore, pursuant to subsection (2).

(iii) A shift cage, pursuant to subsection (4).

(iv) A vehicle, pursuant to section 7.

- (v) A veterinarian's office or veterinary hospital.
- (4) A large carnivore may be kept in a shift cage while the large carnivore's facility is being cleaned. The shift cage shall be of a size appropriate for the large carnivore and of a construction adequate to safely contain the large carnivore.
- (5) The owner of a large carnivore shall do all of the following:
- (a) Present a permit for the large carnivore upon the request of a law enforcement officer.
 - (b) Post and maintain signs on property on which a large carnivore is kept stating "A potentially dangerous large carnivore is kept on this property.". Each sign shall utilize block letters at least 1/2 inch high. A sign shall be posted as follows:
 - (i) At each fence gate providing access to a residence on the property, providing access to a building in which the large carnivore's facility is located, or providing access to the facility.
 - (ii) On the outside of each door providing access to a residence on the property or providing access to any building in which the large carnivore's facility is located.
 - (iii) On each side of the large carnivore's facility, unless the facility is located in a residence or other building.
 - (c) Clean any swimming or wading pools for the large carnivore as needed to ensure sufficiently sanitary water quality.
 - (d) Provide adequate drainage of surface water from the facility.
 - (e) Not place the large carnivore under the supervision of a person less than 21 years of age.
 - (f) Not mistreat or neglect the large carnivore or permit it to be mistreated or neglected.
 - (g) Ensure that the conditions in which the large carnivore is kept, including, but not limited to, the following, are safe and conducive to the large carnivore's physical health and comfort and promote normal behavior:
 - (i) Temperature.
 - (ii) Ventilation.
 - (iii) Humidity.
 - (iv) Drainage.
 - (v) Sanitation.
 - (vi) Diet.
 - (vii) Exercise.
 - (h) Provide the large carnivore with potable drinking water at least twice daily in a clean, accessible container, unless otherwise directed by a veterinarian.
 - (i) Provide the large carnivore with food that meets all of the following requirements:
 - (i) Is nutritious.
 - (ii) Is of sufficient quantity to maintain or restore health and normal body weight.
 - (iii) Is not spoiled or contaminated with insects, fecal material, or any other substance that may cause the food to be unpalatable, that may decrease the nutritiousness of the food, or that may pose a health risk to the large carnivore.
 - (j) Remove fecal and food wastes from the facility daily and store or dispose of the wastes in a manner that prevents noxious odors, insect pests, or risks to human or animal health or the environment. Hard floors shall be scrubbed and disinfected weekly. Large facilities with dirt floors shall be raked every day and the raked waste removed every day.
 - (k) Ensure that the large carnivore receives from a veterinarian, at the owner's expense, an annual checkup, including scheduled vaccinations, and other necessary medical care. The owner of a large carnivore shall maintain copies of the large carnivore's veterinary records and present the records upon request of a law enforcement officer.
 - (l) When the large carnivore dies, arrange to have the death certified in writing by a veterinarian, law enforcement officer, or the permitting agency. The veterinarian, law enforcement officer, or permitting agency shall submit the certification to the department within 20 business days after the death.

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1107 Transportation requirements.

Sec. 7. A person lawfully in possession of a large carnivore under this act may transport the large carnivore in a vehicle. A person transporting a large carnivore in a vehicle shall comply with the standards in International Air Transport Ass'n., Live Animal Regulations (26th ed., 1999) applicable to the large carnivore species. In addition, a person transporting a large carnivore in a vehicle shall comply with all of the following requirements:

- (a) The large carnivore shall be individually and securely caged, even while inside a passenger vehicle or

in the bed of a truck. However, a female large carnivore and each of her unweaned offspring, if any, shall be transported in the same cage.

(b) The vehicle shall provide fresh air without injurious drafts and provide adequate protection from the elements to the large carnivore.

(c) The large carnivore's cargo area shall be as free as possible of engine exhaust fumes.

(d) Fecal and food wastes shall be removed from the large carnivore's transport cage on at least a daily basis.

(e) The temperature within the large carnivore's cage shall not be harmful to the large carnivore's health.

(f) The large carnivore's cage shall be large enough to ensure that the large carnivore has sufficient space to stand erect, turn around, and lie naturally.

(g) The large carnivore shall not be placed in a cage over or next to another animal unless each enclosure has a fitted floor or lateral partition that prevents excreta from entering lower or adjacent enclosures.

(h) The large carnivore shall be given potable water at least twice daily and fed at least once daily, unless otherwise directed by a veterinarian.

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1108 Exportation requirements.

Sec. 8. A person shall not export or attempt to export a large carnivore to another state or country unless all of the following requirements are met:

(a) The import and possession of the large carnivore are lawful in the other state or country.

(b) The destination and proposed new owner of the large carnivore have been approved by the regulatory agency in the other state or country having authority to do so, if any.

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1109 Exposure of human, livestock, or mammalian pet to rabies.

Sec. 9. (1) If a large carnivore potentially exposes a human to rabies by any penetration of the skin by teeth, any scratch that causes penetration of the skin, any abrasion that causes penetration of the skin, or contamination of open wounds or mucous membranes with saliva or other infectious material, the owner of the large carnivore shall report the potential exposure to the local health department within 24 hours.

(2) If a large carnivore potentially exposes livestock or a mammalian pet to rabies by any penetration of the skin by teeth, any scratch that causes penetration of the skin, any abrasion that causes penetration of the skin, or contamination of open wounds or mucous membranes with saliva or other infectious material, the owner of the large carnivore shall report the potential exposure to the permitting agency within 24 hours.

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1110 Euthanasia of large carnivore exposing human, livestock, or mammalian pet to rabies; examination.

Sec. 10. If a large carnivore potentially exposes a human, livestock, or a mammalian pet to rabies by any means identified in this section, the large carnivore shall be humanely euthanized by a veterinarian. The large carnivore shall be immediately examined for rabies in the manner provided by rules promulgated under section 5111 of the public health code, 1978 PA 368, MCL 333.5111.

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1111 Conditions permitting law enforcement officer or other person to kill large carnivore; liability; actions constituting trespass.

Sec. 11. (1) A law enforcement officer or other person may kill a large carnivore if the person sees the large carnivore chasing, attacking, injuring, or killing either of the following:

(a) A human.

(b) Livestock, poultry, or a mammalian pet.

(2) A law enforcement officer may kill a large carnivore if the law enforcement officer sees the large carnivore chasing, attacking, injuring, or killing wildlife.

(3) A person is not liable in damages or otherwise for killing or attempting to kill a large carnivore under subsection (1) or (2).

(4) This act does not prohibit the owner of a large carnivore, for which a permit has been issued if required under this act, from recovering by legal action against a law enforcement officer or other person the value of a large carnivore illegally killed by that law enforcement officer or other person.

(5) A large carnivore's entry onto a field or enclosure that is owned by or leased by a person producing livestock or poultry constitutes a trespass, and the owner of the large carnivore is liable in damages.

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1112 Liability of owner for death or injury of human or for property damage; escape or release of large carnivore.

Sec. 12. (1) The owner of a large carnivore is liable in a civil action for the death or injury of a human and for property damage, including, but not limited to, the death or injury of another animal, caused by the large carnivore. This act does not limit the common law liability of the owner of a large carnivore for the death or injury of a human or for property damage caused by the large carnivore.

(2) If a large carnivore escapes or is released, intentionally or unintentionally, the owner of the large carnivore shall immediately contact a law enforcement officer of the local unit where the escape or release occurred to report the loss, escape, or release. The owner of the large carnivore is liable for all expenses associated with efforts to recapture the large carnivore that is released or escapes.

(3) The owner of the large carnivore may bring against a person who is responsible in whole or part for the escape or release of the large carnivore a civil action for damages, including, but not limited to, damages and expenses under subsections (1) and (2).

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1113 Inspection of facility by law enforcement officer.

Sec. 13. (1) A facility is subject to inspection at reasonable hours by a law enforcement officer to ensure compliance with this act.

(2) If there is probable cause to believe that this act is being violated, a law enforcement officer shall do 1 of the following:

(a) Issue to the owner of the large carnivore a notice of the violation under section 14.

(b) Arrest the owner of the large carnivore or seek a warrant for his or her arrest, as appropriate under chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.1 to 764.29, for a misdemeanor under section 15.

(c) File a sworn complaint under section 16(3).

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1114 Notice of violation; transfer of ownership and possession; second inspection; fee; finding of noncompliance; forfeiture.

Sec. 14. (1) If there is probable cause to believe this act is being violated, a law enforcement officer may give notice of the violation in writing to the owner of the large carnivore. The notice shall identify the violation and include a copy of this act.

(2) Not more than 30 days after the notice is delivered, the owner of the large carnivore shall transfer ownership and possession of the large carnivore or, subject to subsection (3), correct the violation and shall notify the law enforcement officer of the action taken.

(3) If the violation was failure to obtain a permit and the violation was committed knowingly, not more than 14 days after the notice is delivered, the owner of the large carnivore shall transfer ownership and possession of the large carnivore and notify the law enforcement officer of the action taken.

(4) A large carnivore transferred under subsection (2) or (3) shall be transferred to a person described in section 22(1)(a), (b), (c), or (d). Notice that the large carnivore was transferred under this subsection shall include evidence of the transfer satisfactory to the law enforcement officer.

(5) Unless the owner of the large carnivore notifies the law enforcement officer that the large carnivore was transferred under subsection (2) or (3), the law enforcement officer shall conduct an inspection at a reasonable time not less than 30 days after notice of the violation was delivered. When the second inspection is conducted, the owner of the large carnivore shall pay an inspection fee of \$25.00 or actual, reasonable costs of the inspection, whichever is greater, to the law enforcement officer.

(6) If the law enforcement officer finds that the owner of the large carnivore has not complied with subsection (2) or (3), the law enforcement officer shall seek forfeiture of the large carnivore under section 16.

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1115 Violation as misdemeanor; fine; exception.

Sec. 15. (1) Subject to subsection (2), a person who violates this act is guilty of a misdemeanor. The person shall be punished by a fine of not less than \$250.00 or more than \$1,000.00, plus costs of prosecution. However, a person who fails to obtain a permit as required by this act shall be punished by a fine, for each large carnivore for which the permit was required, of not less than \$500.00 or more than \$2,000.00, plus costs of prosecution. In addition, a person who violates this act may be punished by 1 or more of the following:

(a) Imprisonment for not more than 93 days.

(b) Community service work for not more than 500 hours.

(c) The loss of privileges to own or possess any animal.

(2) Subsection (1) does not apply to a law enforcement officer, veterinarian, or permitting agency with respect to the performance of the duties of a law enforcement officer, veterinarian, or permitting agency under this act.

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1116 Violation; request for civil forfeiture; filing.

Sec. 16. (1) If a person who owns or possesses a large carnivore violates this act, that large carnivore and any other large carnivore owned by that person are subject to civil forfeiture.

(2) The prosecuting attorney in an action under section 15 may file a petition requesting that the court issue an order for civil forfeiture of all of the large carnivores owned by the person violating this act.

(3) Any person may file with a court having jurisdiction a complaint alleging that a person is violating this act and requesting the court to order the civil forfeiture of all of the large carnivores owned by that person.

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1117 Seizure order; circumstances; method; placement; return to crime victim.

Sec. 17. (1) A law enforcement officer shall seize a large carnivore pursuant to an order of seizure issued by the court having jurisdiction over the large carnivore upon a showing of probable cause that the large carnivore is subject to forfeiture under section 16(1).

(2) A large carnivore subject to forfeiture under section 16(1) may be seized under any of the following circumstances:

(a) The seizure is incident to a lawful arrest for a violation of this act.

(b) The seizure is pursuant to a valid search warrant.

(c) The seizure is pursuant to an inspection under a valid administrative inspection warrant.

(d) There is probable cause to believe that the conditions under which the large carnivore or any other large carnivore owned by the same person is kept are directly or indirectly dangerous to human or animal health or safety.

(e) Exigent circumstances exist that preclude obtaining a court order, and there is probable cause to believe that this act has been violated.

(f) The large carnivore or any other large carnivore owned by the same person is the subject of a prior judgment in favor of this state in a forfeiture proceeding.

(3) If a seizure is to be accomplished by capture, tranquilization or other humane methods shall be used for the capture.

(4) A large carnivore seized under this act is not subject to any other action to recover personal property, but is considered to be in the custody of the seizing agency subject only to subsection (5) and sections 18 and 19, or to an order and judgment of the court having jurisdiction over the forfeiture proceedings. When a large carnivore is seized under this act, the law enforcement officer may remove the large carnivore to a place designated by the court.

(5) A large carnivore that belongs to the victim of a crime shall promptly be returned to the victim, except in the following circumstances:

(a) When the crime victim last possessed the large carnivore, he or she was in violation of section 4.

(b) If the ownership of the large carnivore is disputed, until the dispute is resolved.

(c) If the property is required to be retained as evidence pursuant to section 4(4) of the crime victim's rights act, 1985 PA 87, MCL 780.754.

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1118 Correction of conditions leading to seizure; return to owner; court approval; notice of seizure and intent to forfeit; delivery of notice; notice to prosecuting attorney or attorney general.

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

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

(a) The owner of the large carnivore.

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

(3) The notice required under subsection (2) shall be delivered in person or sent by certified mail. If the name and address of the person are not reasonably ascertainable or personal delivery of the notice cannot reasonably be accomplished, the notice shall be published in a newspaper of general circulation in the county in which the large carnivore was seized for 10 successive publishing days. Proof of written notice or publication shall be filed with the court having jurisdiction over the seizure or forfeiture.

(4) The law enforcement officer shall immediately after seizure of the large carnivore notify the prosecuting attorney for the county in which the large carnivore was seized or, if the attorney general is actively handling a case involving or relating to the large carnivore, the attorney general of the seizure of the large carnivore and any intent to forfeit the large carnivore under this act.

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1119 Motion by owner for return of large carnivore; hearing; establishment of probable cause; burden of proof; admissibility of testimony in criminal prosecution.

Sec. 19. (1) The owner of a large carnivore may file a motion with the court having jurisdiction to return the large carnivore on the grounds that the large carnivore was illegally seized or that the large carnivore is not subject to forfeiture under this act. The court shall hear the motion within 30 days after the motion is filed.

(2) At the hearing on the motion filed under subsection (1), the attorney general, or the attorney for the local unit in which the large carnivore was seized, shall establish probable cause to believe that the large carnivore is subject to forfeiture under this act and, if the owner claims the large carnivore was illegally seized, that the large carnivore was properly seized.

(3) If the attorney general or the attorney for the local unit in which the large carnivore was seized fails to sustain his or her burden of proof under subsection (2), the court shall order the return of the large carnivore.

(4) The testimony of a person at a hearing held under this section is not admissible against him or her in any criminal proceeding except in a criminal prosecution for perjury. The testimony of a person at a hearing held under this section does not waive the person's constitutional right against self-incrimination.

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1120 Return of seized large carnivore to owner; conditions; notice; order of forfeiture; liability for care and placement costs.

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

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

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

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

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

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

(2) If a large carnivore is returned under subsection (1), the law enforcement officer shall give written notice to the persons who received notice under section 18 that the large carnivore has been returned. The notice under this subsection shall be delivered in person or sent by certified mail. If the name and address of the person are not reasonably ascertainable or personal delivery of the notice cannot reasonably be accomplished, the notice shall be published in a newspaper of general circulation in the county in which the large carnivore was seized for 10 successive publishing days.

(3) If the court orders a large carnivore to be forfeited, the order of forfeiture shall direct that each large carnivore be transferred to a wildlife sanctuary approved by the association of sanctuaries, an animal protection shelter, or a zoo accredited by the American zoo and aquarium association, where the large carnivore will be safely and humanely cared for. However, subject to section 10, if the large carnivore killed or injured a human or an animal, the order of forfeiture may direct that the large carnivore be humanely euthanized by a veterinarian. An order of forfeiture shall also revoke any permit that may have been issued for the large carnivore under section 4 and order payment of costs under subsection (4). The forfeiture is a civil forfeiture.

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

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1121 Local ordinance more restrictive than act; requirements as additional to other state and federal law.

Sec. 21. (1) A local unit may adopt an ordinance governing large carnivores that is more restrictive than this act.

(2) The requirements of this act are in addition to any other requirements governing a large carnivore under state and federal law.

History: 2000, Act 274, Imd. Eff. July 7, 2000.

287.1122 Exceptions.

Sec. 22. (1) Sections 4, 5, and 6 do not apply to any of the following:

(a) An animal control shelter or animal protection shelter.

(b) A person licensed or approved by the department of natural resources of this state or by the United States fish and wildlife service of the United States department of the interior. This subdivision does not apply to a person in possession of 1 or more black bears under the authority of a permit to hold wildlife in captivity issued by the department of natural resources.

(c) A zoological park approved or accredited by the American zoo and aquarium association.

(d) A person approved by the association of sanctuaries or the American sanctuary association.

(e) A law enforcement officer acting under the authority of this act.

(f) A veterinarian temporarily in possession of a large carnivore to provide veterinary care for or humanely euthanize the large carnivore.

(2) Sections 4, 5, 6(1)(d) to (5)(d), 8, and 14(3) do not apply to a person who is not a resident of this state and who is in this state only for the purpose of travel between locations outside of this state.

(3) Subject to subsection (2), this act does not apply to a person who meets all of the following requirements:

(a) Is conducting a for-profit or nonprofit business, if the primary purpose of that business is the presentation of animals including large carnivores to the public for education or exhibition purposes.

(b) Is a class C licensee that possesses and maintains a class C license under 9 CFR parts 1 and 2.

(c) Meets or exceeds all standards, including but not limited to standards for training, housing, care, and transport of large carnivores, required of a class C licensee under 9 CFR parts 1 and 2.

(d) Except as provided in subsection (4), does not allow a patron to do any of the following:

(i) Come into direct contact with a large carnivore.

(ii) Come into close enough contact with a large carnivore over 20 weeks of age so as to place the patron in jeopardy of being harmed by the large carnivore.

(e) Does not sell large carnivores, except to another person that meets the requirements of this subsection.

(f) Does not breed large carnivores.

(4) This act does not apply to a person who allows a patron to come into contact with a large carnivore under subsection (3)(d)(i) or (ii) if the large carnivore is a bear less than 36 weeks of age or a bear weighing 90 pounds or less if the person otherwise meets the requirements of subsection (3) and satisfies 1 of the following:

(a) The person was in possession of a bear on the effective date of the 2013 amendatory act that amended this section.

(b) The person acquired a business described in subsection (3)(a) from a person who was in possession of a bear on the effective date of the 2013 amendatory act that amended this section.

(5) This act does not apply to a circus.

History: 2000, Act 274, Imd. Eff. July 7, 2000;—Am. 2013, Act 8, Imd. Eff. Mar. 26, 2013.

287.1123 Information provided to pet shop, animal control shelter, and animal protection shelter.

Sec. 23. The department shall provide each pet shop, animal control shelter, and animal protection shelter with information on the requirements of this act.

History: 2000, Act 274, Imd. Eff. July 7, 2000.