

**SUBSTITUTE FOR  
SENATE BILL NO. 316**

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending sections 49 and 50 (MCL 750.49 and 750.50), section 49  
as amended by 2018 PA 461 and section 50 as amended by 2018 PA 452.

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

- 1           Sec. 49. (1) As used in this section:  
2           (a) "Animal" means a vertebrate other than a human being.  
3           (b) "Animal control agency" means an animal control shelter,  
4 an animal protection shelter, or a law enforcement agency. As used  
5 in this subdivision, "animal control shelter" and "animal  
6 protection shelter" mean those terms as defined in section 1 of  
7 1969 PA 287, MCL 287.331.  
8           (2) A person shall not knowingly do any of the following:



1 (a) Own, possess, use, buy, sell, offer to buy or sell,  
2 import, or export an animal for fighting or baiting, or as a target  
3 to be shot at as a test of skill in marksmanship.

4 (b) Be a party to or cause the fighting, baiting, or shooting  
5 of an animal as described in subdivision (a).

6 (c) Rent or otherwise obtain the use of a building, shed,  
7 room, yard, ground, premises, vehicle, or any other venue for  
8 fighting, baiting, or shooting an animal as described in  
9 subdivision (a).

10 (d) Permit the use of a building, shed, room, yard, ground,  
11 premises, vehicle, or any other venue belonging to him or her or  
12 under his or her control for any of the purposes described in this  
13 section.

14 (e) Organize, promote, or collect money for the fighting,  
15 baiting, or shooting of an animal as described in subdivisions (a)  
16 to (d).

17 (f) Be present at a building, shed, room, yard, ground,  
18 premises, vehicle, or any other venue where preparations are being  
19 made for an exhibition described in subdivisions (a) to (d), or be  
20 present at the exhibition, knowing that an exhibition is taking  
21 place or about to take place.

22 (g) Breed, buy, sell, offer to buy or sell, exchange, import,  
23 or export an animal the person knows has been trained or used for  
24 fighting as described in subdivisions (a) to (d), or breed, buy,  
25 sell, offer to buy or sell, exchange, import, or export the  
26 offspring of an animal the person knows has been trained or used  
27 for fighting as described in subdivisions (a) to (d). This  
28 subdivision does not prohibit owning, breeding, buying, selling,  
29 offering to buy or sell, exchanging, importing, or exporting an



1 animal for agricultural or agricultural exposition purposes. This  
 2 subdivision does not prohibit an animal control agency from owning,  
 3 adopting, or transferring ownership of an animal for the purpose of  
 4 adoption of an animal trained or used for fighting as described in  
 5 subdivisions (a) to (d) or an animal that is the first- or second-  
 6 generation offspring of an animal trained or used for fighting as  
 7 described in subdivisions (a) to (d). If an animal is found fit for  
 8 placement and is transferred or adopted, the animal control agency  
 9 that transfers or adopts the animal shall do all of the following:

10 (i) Sterilize the animal or collect a good-faith deposit for  
 11 sterilization as required under section 8a of 1969 PA 287, MCL  
 12 287.338a.

13 (ii) Provide a copy of the animal's history, including, but not  
 14 limited to, a description of why the animal was seized, veterinary  
 15 records, and a copy of subsections (8) to (14) to the person to  
 16 whom the animal is transferred or adopted.

17 (h) Own, possess, use, buy, sell, offer to buy or sell,  
 18 transport, or deliver any device or equipment intended for use in  
 19 the fighting, baiting, or shooting of an animal as described in  
 20 subdivisions (a) to (d).

21 **(i) Provide an animal to another individual who intends to use**  
 22 **the animal for fighting as described in subdivisions (a) to (d).**

23 (3) A person who violates subsection (2) (a) to (e) is guilty  
 24 of a felony punishable by 1 or more of the following:

25 (a) Imprisonment for not more than 4 years.

26 (b) A fine of not less than \$5,000.00 or more than \$50,000.00.

27 (c) Not less than 500 or more than 1,000 hours of community  
 28 service.

29 (4) A person who violates subsection (2) (f) to ~~(h)~~ **(i)** is



1 guilty of a felony punishable by 1 or more of the following:

2 (a) Imprisonment for not more than 4 years.

3 (b) A fine of not less than \$1,000.00 or more than \$5,000.00.

4 (c) Not less than 250 or more than 500 hours of community  
5 service.

6 (5) The court may order a person convicted of violating this  
7 section to pay the costs of prosecution.

8 (6) The court may order a person convicted of violating this  
9 section to pay the costs for investigating the violation of this  
10 section, disposition of the animal, and housing and caring for the  
11 animal, including, but not limited to, providing veterinary medical  
12 treatment. As used in this subsection, "disposition" includes the  
13 transfer, euthanasia, or adoption of an animal.

14 (7) As part of the sentence for a violation of subsection (2),  
15 the court shall order the person convicted not to own or possess an  
16 animal of the same species involved in the violation of this  
17 section for 5 years after the date of sentencing. Failure to comply  
18 with ~~the an~~ order of the court ~~pursuant to~~ **issued under** this  
19 subsection is punishable as contempt of court.

20 (8) If a person incites an animal trained or used for fighting  
21 or an animal that is the first- or second-generation offspring of  
22 an animal trained or used for fighting to attack a person and the  
23 attack causes the death of that person, the owner is guilty of a  
24 felony punishable by imprisonment for life or for a term of years  
25 greater than 15 years.

26 (9) If a person incites an animal trained or used for fighting  
27 or an animal that is the first- or second-generation offspring of  
28 an animal trained or used for fighting to attack a person, but the  
29 attack does not result in the death of the person, the owner is



1 guilty of a felony punishable by imprisonment for not more than 4  
2 years or a fine of not more than \$2,000.00, or both.

3 (10) If an animal trained or used for fighting or an animal  
4 that is the first- or second-generation offspring of an animal  
5 trained or used for fighting attacks a person without provocation  
6 and causes the death of that person, the owner of the animal is  
7 guilty of a felony punishable by imprisonment for not more than 15  
8 years.

9 (11) If an animal trained or used for fighting or an animal  
10 that is the first- or second-generation offspring of an animal  
11 trained or used for fighting attacks a person without provocation,  
12 but the attack does not cause the death of the person, the owner is  
13 guilty of a misdemeanor punishable by imprisonment for not more  
14 than 1 year or a fine of not more than \$1,000.00, or both.

15 (12) Subsections (8) to (11) do not apply if the person  
16 attacked was committing or attempting to commit an unlawful act on  
17 the property of the owner of the animal.

18 (13) If an animal trained or used for fighting or an animal  
19 that is the first- or second-generation offspring of a dog trained  
20 or used for fighting goes beyond the property limits of its owner  
21 without being securely restrained, the owner is guilty of a  
22 misdemeanor punishable by imprisonment for not more than 90 days or  
23 a fine of not less than \$50.00 nor more than \$500.00, or both.

24 (14) If an animal trained or used for fighting or an animal  
25 that is the first- or second-generation offspring of a dog trained  
26 or used for fighting is not securely enclosed or restrained on the  
27 owner's property, the owner is guilty of a misdemeanor punishable  
28 by imprisonment for not more than 90 days or a fine of not more  
29 than \$500.00, or both.



1 (15) Subsections (8) to (14) do not apply to any of the  
2 following:

3 (a) A dog trained or used for fighting, or the first- or  
4 second-generation offspring of a dog trained or used for fighting,  
5 that is used by a law enforcement agency of this state or a county,  
6 city, village, or township.

7 (b) A certified leader dog recognized and trained by a  
8 national guide dog association for the blind or for persons with  
9 disabilities.

10 (c) A corporation licensed under the private security business  
11 and security alarm act, 1968 PA 330, MCL 338.1051 to 338.1092, when  
12 a dog trained or used for fighting, or the first- or second-  
13 generation offspring of a dog trained or used for fighting, is used  
14 in accordance with the private security business and security alarm  
15 act, 1968 PA 330, MCL 338.1051 to 338.1092.

16 (16) Except as provided in subsection (20), an animal that has  
17 been used to fight in violation of this section or that is involved  
18 in a violation of subsections (8) to (14) ~~must~~**shall** be confiscated  
19 by a law enforcement officer and must not be returned to the owner,  
20 trainer, or possessor of the animal. The animal must be taken to a  
21 local animal control agency. If an animal owner, trainer, or  
22 possessor is convicted of violating subsection (2) or subsections  
23 (8) to (14), the court shall award the animal involved in the  
24 violation to the animal control agency for evaluation and  
25 disposition.

26 (17) An animal control agency taking custody of an animal  
27 under subsection (16) shall give notice within 72 hours after  
28 seizure of the animal by registered mail to the last known address  
29 of the animal's owner, if the owner of the animal is known. If the



1 owner of the animal is unknown, an animal control agency taking  
2 custody of an animal under subsection (16) shall give notice within  
3 72 hours after seizure of the animal by 1 of the following methods:

4 (a) Posting at the location of the seizure.

5 (b) Delivery to a person residing at the location of the  
6 seizure.

7 (c) Registered mail to the location of the seizure.

8 (18) The notice required under subsection (17) must include  
9 all of the following:

10 (a) A description of each animal seized.

11 (b) The time, date, location, and description of circumstances  
12 under which the animal was seized.

13 (c) The address and telephone number of the location where the  
14 animal is being held and contact information for the individual  
15 present at that location from whom security deposit or bond  
16 information may be obtained.

17 (d) A statement that the owner or possessor of the animal may  
18 post a security deposit or bond that may prevent the forfeiture of  
19 the animal for the duration of the criminal, forfeiture, or other  
20 court proceeding until the court makes a final determination  
21 regarding the animal's disposition, that failure to post a security  
22 deposit or bond within 14 days after the date on the notice will  
23 result in forfeiture of the animal, and that the owner or possessor  
24 of the animal may, before the expiration of the 14-day period  
25 described in this subdivision, request a hearing on whether the  
26 requirement to post a security deposit or bond is justified or  
27 whether the cost associated with the security deposit or bond is  
28 fair and reasonable for the care of and provision for the seized  
29 animal. Notice of a request for a hearing under this ~~subsection~~



1 **subdivision** shall be served on the animal control agency holding  
2 the animal before the expiration of the 14-day period described in  
3 this ~~subsection.~~**subdivision.** At a hearing on whether the  
4 requirement to post a security deposit or bond is justified, the  
5 prosecuting attorney has the burden to establish by a preponderance  
6 of the evidence that a violation of this section occurred. If the  
7 court finds that the prosecuting attorney has met its burden, the  
8 animal will be forfeited to the animal control agency that seized  
9 the animal unless the owner or possessor of the animal posts the  
10 required security deposit or bond. An owner or possessor's failure  
11 to appear at a scheduled hearing requested under this subdivision  
12 will result in automatic forfeiture of the animal if the date of  
13 the scheduled hearing is more than 14 days after the date on the  
14 notice described in this subsection.

15 (e) A statement that the owner or possessor of the animal is  
16 responsible for all costs described in subsection (6), unless the  
17 court determines that the seizure of the animal was not  
18 substantially justified by law.

19 (19) An animal control agency that has custody of a seized  
20 animal under subsection (16) shall hold the animal for a period of  
21 14 consecutive days, including weekends and holidays, beginning on  
22 the date notice was given under subsection (17). After the  
23 expiration of the 14 days, if the owner or a possessor of the  
24 animal has not posted a security deposit or bond as provided in  
25 subsection (20), the animal is forfeited, and the animal control  
26 agency may dispose of the animal by adoption, transfer to another  
27 animal control agency, or humane euthanasia.

28 (20) The owner or possessor of an animal seized under  
29 subsection (16) may prevent forfeiture and disposition of the





1 animal by an animal control agency for the duration of the  
2 criminal, forfeiture, or other court proceeding until the court  
3 makes a final determination regarding the animal's disposition by  
4 posting a security deposit or bond with the court within 14 days  
5 after the date on the notice described in subsection (18). The bond  
6 must be in a sufficient amount to secure payment of all costs  
7 described in subsection (6) during a 30-day period of boarding and  
8 veterinary treatment of the animal after examination by a licensed  
9 veterinarian. The animal control agency shall determine the amount  
10 of the bond no later than 72 hours after the seizure of the animal,  
11 and shall make the amount of the bond available to the owner or  
12 possessor of the animal upon request. The owner or possessor of the  
13 animal shall provide proof of the security deposit or bond to the  
14 animal control agency no later than 14 days after the date on the  
15 notice described in subsection (18).

16 (21) An animal control agency that is holding or requiring to  
17 be held a seized animal as provided in this section may draw on a  
18 security deposit or bond posted under subsection (20) or (22) to  
19 cover the actual reasonable costs incurred in the seizure, care,  
20 keeping, and disposition of the animal as described in subsection  
21 (6) from the date of the seizure to the date of the official  
22 disposition of the animal in the criminal action.

23 (22) If a security deposit or bond has been posted under  
24 subsection (20), and trial in the criminal action does not occur  
25 within the initial 30-day bond period or is continued to a later  
26 date, the owner or possessor shall post an additional security  
27 deposit or bond in an amount determined sufficient to cover the  
28 costs described in subsection (6) as anticipated to be incurred by  
29 the animal control agency caring for the animal. The additional



1 security deposit or bond must be calculated in 30-day increments  
2 and continue until the criminal action is resolved. If the owner or  
3 possessor of the animal fails to post a new security deposit or  
4 bond with the court before the previous security deposit or bond  
5 expires, the animal is forfeited to the animal control agency  
6 caring for the animal.

7 (23) If the owner or possessor that posted a security deposit  
8 or bond under subsection (20) or (22) is found not guilty in the  
9 criminal action, the amount of the security deposit or bond posted  
10 to prevent disposition of the animal may be returned to the owner  
11 or possessor at the court's discretion, and, subject to subsections  
12 (25) and (26), the animal must be returned to the owner.

13 (24) If a security deposit or bond is posted by an owner or  
14 possessor of an animal under subsection (20) or (22) and the court  
15 determines that the animal is a dangerous animal or lacks any  
16 useful purpose under subsection (26), the posting of the security  
17 deposit or bond ~~must~~**does** not prevent disposition of the animal.

18 (25) Upon receiving an animal seized under this section, or at  
19 any time thereafter, an animal control agency may humanely  
20 euthanize the animal or have the animal euthanized if, in the  
21 opinion of a licensed veterinarian, the animal is injured or  
22 diseased past recovery or the animal's continued existence is  
23 inhumane so that euthanasia is necessary to relieve pain and  
24 suffering. This subsection applies to an animal whether or not a  
25 security deposit or bond has been posted under subsection (20) or  
26 (22).

27 (26) An animal control agency that receives an animal under  
28 this section may apply to the district court or municipal court for  
29 a hearing to determine whether the animal must be humanely



1 euthanized because of its lack of any useful purpose or the public  
2 safety threat it poses. The court shall hold a hearing not more  
3 than 30 days after the filing of the application and shall give  
4 notice of the hearing to the owner of the animal. Upon a finding by  
5 the court that the animal lacks any useful purpose or poses a  
6 threat to public safety, the animal control agency shall humanely  
7 euthanize the animal or have the animal euthanized. Expenses  
8 incurred in connection with the housing, care, upkeep, or  
9 euthanasia of the animal by an animal control agency, or by a  
10 person, firm, partnership, corporation, or other entity, may, in  
11 the court's discretion, be assessed against the owner of the  
12 animal.

13 (27) Subject to subsections (16), (25), and (26), all animals  
14 being used or to be used in fighting, equipment, devices, and money  
15 involved in a violation of subsection (2) must be forfeited to this  
16 state. All other instrumentalities, proceeds, and substituted  
17 proceeds of a violation of subsection (2) are subject to forfeiture  
18 under chapter 47 of the revised judicature act of 1961, 1961 PA  
19 236, MCL 600.4701 to 600.4710.

20 (28) The seizing agency may deposit money seized under  
21 subsection (27) into an interest-bearing account in a financial  
22 institution. As used in this subsection, "financial institution"  
23 means a state or nationally chartered bank or a state or federally  
24 chartered savings and loan association, savings bank, or credit  
25 union whose deposits are insured by an agency of the United States  
26 government and that maintains a principal office or branch office  
27 located in this state under the laws of this state or the United  
28 States.

29 (29) An attorney for a person who is charged with a violation



1 of subsection (2) involving or related to money seized under  
2 subsection (27) must be afforded a period of 60 days within which  
3 to examine that money. This 60-day period will begin to run after  
4 notice of forfeiture is given but before the money is deposited  
5 into a financial institution under subsection (28). If the attorney  
6 general, prosecuting attorney, or city or township attorney fails  
7 to sustain his or her burden of proof in forfeiture proceedings  
8 under subsection (27), the court shall order the return of the  
9 money, including any interest earned on money deposited into a  
10 financial institution under subsection (28).

11 (30) This section does not apply to conduct that is permitted  
12 by and is in compliance with any of the following:

13 (a) Part 401 of the natural resources and environmental  
14 protection act, 1994 PA 451, MCL 324.40101 to 324.40120.

15 (b) Part 435 of the natural resources and environmental  
16 protection act, 1994 PA 451, MCL 324.43501 to 324.43561.

17 (c) Part 427 of the natural resources and environmental  
18 protection act, 1994 PA 451, MCL 324.42701 to 324.42714.

19 (d) Part 417 of the natural resources and environmental  
20 protection act, 1994 PA 451, MCL 324.41701 to 324.41712.

21 (31) This section does not prohibit a person from being  
22 charged with, convicted of, or punished for any other violation of  
23 law that is committed by that person while violating this section.

24 Sec. 50. (1) As used in this section and section 50b:

25 (a) "Adequate care" means the provision of sufficient food,  
26 water, shelter, sanitary conditions, exercise, and veterinary  
27 medical attention in order to maintain an animal in a state of good  
28 health.

29 (b) "Animal" means a vertebrate other than a human being.



1 (c) "Animal protection shelter" means a facility operated by a  
2 person, humane society, society for the prevention of cruelty to  
3 animals, or any other nonprofit organization, for the care of  
4 homeless animals.

5 (d) "Animal control shelter" means a facility operated by a  
6 county, city, village, or township to impound and care for animals  
7 found in streets or otherwise at large contrary to an ordinance of  
8 the county, city, village, or township or state law.

9 (e) "Breeder" means a person that breeds animals other than  
10 livestock or dogs for remuneration, or that is a large-scale dog  
11 breeding kennel as that term is defined in section 1 of 1969 PA  
12 287, MCL 287.331.

13 (f) "Licensed veterinarian" means a person licensed or  
14 otherwise authorized to practice veterinary medicine under article  
15 15 of the public health code, 1978 PA 368, MCL 333.16101 to  
16 333.18838.

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

19 (h) "Person" means an individual, partnership, limited  
20 liability company, corporation, association, governmental entity,  
21 or other legal entity.

22 (i) "Pet shop" means that term as defined in section 1 of 1969  
23 PA 287, MCL 287.331.

24 (j) "Neglect" means to fail to sufficiently and properly care  
25 for an animal to the extent that the animal's health is  
26 jeopardized.

27 (k) "Sanitary conditions" means space free from health hazards  
28 including excessive animal waste, overcrowding of animals, or other  
29 conditions that endanger the animal's health. This definition does



1 not include any condition resulting from a customary and reasonable  
2 practice pursuant to farming or animal husbandry.

3 (l) "Shelter" means adequate protection from the elements and  
4 weather conditions suitable for the age, species, and physical  
5 condition of the animal so as to maintain the animal in a state of  
6 good health. Shelter, for livestock, includes structures or natural  
7 features such as trees or topography. Shelter, for a dog, includes  
8 1 or more of the following:

9 (i) The residence of the dog's owner or other individual.

10 (ii) A doghouse that is an enclosed structure with a roof and  
11 of appropriate dimensions for the breed and size of the dog. The  
12 doghouse must have dry bedding when the outdoor temperature is or  
13 is predicted to drop below freezing.

14 (iii) A structure, including a garage, barn, or shed, that is  
15 sufficiently insulated and ventilated to protect the dog from  
16 exposure to extreme temperatures or, if not sufficiently insulated  
17 and ventilated, contains a doghouse as provided under subparagraph  
18 (ii) that is accessible to the dog.

19 (m) "State of good health" means freedom from disease and  
20 illness, and in a condition of proper body weight and temperature  
21 for the age and species of the animal, unless the animal is  
22 undergoing appropriate treatment.

23 (n) "Tethering" means the restraint and confinement of a dog  
24 by use of a chain, rope, or similar device.

25 (o) "Water" means potable water that is suitable for the age  
26 and species of animal and that is made regularly available unless  
27 otherwise directed by a licensed veterinarian.

28 (2) An owner, possessor, breeder, operator of a pet shop, or  
29 person having the charge or custody of an animal shall not do any



1 of the following:

2 (a) Fail to provide an animal with adequate care.

3 (b) Cruelly drive, work, or beat an animal, or cause an animal  
4 to be cruelly driven, worked, or beaten.

5 (c) Carry or cause to be carried in or upon a vehicle or  
6 otherwise any live animal having the feet or legs tied together,  
7 other than an animal being transported for medical care or a horse  
8 whose feet are hobbled to protect the horse during transport, or in  
9 any other cruel and inhumane manner.

10 (d) Carry or cause to be carried a live animal in or upon a  
11 vehicle or otherwise without providing a secure space, rack, car,  
12 crate, or cage in which livestock may stand and in which all other  
13 animals may stand, turn around, and lie down during transportation,  
14 or while awaiting slaughter. As used in this subdivision, for  
15 purposes of transportation of sled dogs, "stand" means sufficient  
16 vertical distance to allow the animal to stand without its  
17 shoulders touching the top of the crate or transportation vehicle.

18 (e) Abandon an animal or cause an animal to be abandoned, in  
19 any place, without making provisions for the animal's adequate  
20 care, unless premises are vacated for the protection of human life  
21 or the prevention of injury to a human. An animal that is lost by  
22 an owner or custodian while traveling, walking, hiking, or hunting  
23 is not abandoned under this section when the owner or custodian has  
24 made a reasonable effort to locate the animal.

25 (f) Negligently allow any animal, including one who is aged,  
26 diseased, maimed, hopelessly sick, disabled, or nonambulatory to  
27 suffer unnecessary neglect, torture, or pain.

28 (g) Tether a dog unless the tether is at least 3 times the  
29 length of the dog as measured from the tip of its nose to the base



1 of its tail and is attached to a harness or nonchoke collar  
2 designed for tethering. This subdivision does not apply if the  
3 tethering of the dog occurs while the dog is being groomed,  
4 trained, transported, or used in a hunt or event where a shorter  
5 tether is necessary for the safety and well-being of the dog and  
6 others.

7 **(h) Make an agreement to provide an animal to an individual**  
8 **for the purpose of abusing the animal. An owner, possessor,**  
9 **breeder, operator of a pet shop, or person having the charge or**  
10 **custody of an animal does not violate this subdivision unless the**  
11 **individual receiving the animal is subsequently convicted under**  
12 **this act for abuse of the animal.**

13 (3) If an animal is impounded and is being held by an animal  
14 control shelter or its designee or an animal protection shelter or  
15 its designee or a licensed veterinarian pending the outcome of a  
16 criminal action charging a violation of this section or section  
17 50b, before final disposition of the criminal charge, the  
18 prosecuting attorney may file a civil action in the court that has  
19 jurisdiction of the criminal action, requesting that the court  
20 issue an order forfeiting the animal to the animal control shelter  
21 or animal protection shelter or to a licensed veterinarian before  
22 final disposition of the criminal charge. The prosecuting attorney  
23 shall serve a true copy of the summons and complaint upon the  
24 defendant and upon a person with a known ownership interest or  
25 known security interest in the animal or a person who has filed a  
26 lien with the secretary of state on the animal. The forfeiture of  
27 an animal under this section encumbered by a security interest is  
28 subject to the interest of the holder of the security interest if  
29 he or she did not have prior knowledge of or did not consent to the





1 commission of the crime. Upon the filing of the civil action, the  
2 court shall set a hearing on the complaint. The hearing must be  
3 conducted within 14 days of the filing of the civil action, or as  
4 soon as practicable. The hearing must be before a judge without a  
5 jury. At the hearing, the prosecuting attorney has the burden of  
6 establishing by a preponderance of the evidence that a violation of  
7 this section or section 50b occurred. If the court finds that the  
8 prosecuting attorney has met this burden, the court shall order  
9 immediate forfeiture of the animal to the animal control shelter or  
10 animal protection shelter or the licensed veterinarian unless the  
11 defendant, within 72 hours of the hearing, submits to the court  
12 clerk cash or other form of security in an amount determined by the  
13 court to be sufficient to repay all reasonable costs incurred, and  
14 anticipated to be incurred, by the animal control shelter or animal  
15 protection shelter or the licensed veterinarian in caring for the  
16 animal from the date of initial impoundment to the date of trial.  
17 If cash or other security has been submitted, and the trial in the  
18 action is continued at a later date, any order of continuance must  
19 require the defendant to submit additional cash or security in an  
20 amount determined by the court to be sufficient to repay all  
21 additional reasonable costs anticipated to be incurred by the  
22 animal control shelter or animal protection shelter or the licensed  
23 veterinarian in caring for the animal until the new date of trial.  
24 If the defendant submits cash or other security to the court under  
25 this subsection the court may enter an order authorizing the use of  
26 that cash or other security before final disposition of the  
27 criminal charges to pay the reasonable costs incurred by the animal  
28 control shelter or animal protection shelter or the licensed  
29 veterinarian in caring for the animal from the date of impoundment



1 to the date of final disposition of the criminal charges. The  
2 testimony of a person at a hearing held under this subsection is  
3 not admissible against him or her in any criminal proceeding except  
4 in a criminal prosecution for perjury. The testimony of a person at  
5 a hearing held under this subsection does not waive the person's  
6 constitutional right against self-incrimination. An animal seized  
7 under this section or section 50b is not subject to any other civil  
8 action pending the final judgment of the forfeiture action under  
9 this subsection.

10 (4) A person who violates subsection (2) is guilty of a crime  
11 as follows:

12 (a) Except as otherwise provided in subdivisions (c) to (f),  
13 if the violation involved 1 animal, the person is guilty of a  
14 misdemeanor punishable by 1 or more of the following and may be  
15 ordered to pay the costs of prosecution:

16 (i) Imprisonment for not more than 93 days.

17 (ii) A fine of not more than \$1,000.00.

18 (iii) Community service for not more than 200 hours.

19 (b) Except as otherwise provided in subdivisions (c) to (f),  
20 if the violation involved 2 or 3 animals or the death of any  
21 animal, the person is guilty of a misdemeanor punishable by 1 or  
22 more of the following and may be ordered to pay the costs of  
23 prosecution:

24 (i) Imprisonment for not more than 1 year.

25 (ii) A fine of not more than \$2,000.00.

26 (iii) Community service for not more than 300 hours.

27 (c) If the violation involved 4 or more animals but fewer than  
28 10 animals or the person had 1 prior conviction under subsection  
29 (2), the person is guilty of a felony punishable by 1 or more of



1 the following and may be ordered to pay the costs of prosecution:

2 (i) Imprisonment for not more than 2 years.

3 (ii) A fine of not more than \$2,000.00.

4 (iii) Community service for not more than 300 hours.

5 (d) If the violation involved 10 or more animals but fewer  
6 than 25 animals or the person had 2 prior convictions for violating  
7 subsection (2), the person is guilty of a felony punishable by 1 or  
8 more of the following and may be ordered to pay the costs of  
9 prosecution:

10 (i) Imprisonment for not more than 4 years.

11 (ii) A fine of not more than \$5,000.00.

12 (iii) Community service for not more than 500 hours.

13 (e) If the violation involved 25 or more animals or the person  
14 has had 3 or more prior convictions for violating subsection (2),  
15 the person is guilty of a felony punishable by 1 or more of the  
16 following and may be ordered to pay the costs of prosecution:

17 (i) Imprisonment for not more than 7 years.

18 (ii) A fine of not more than \$10,000.00.

19 (iii) Community service for not more than 500 hours.

20 (f) If the person is a breeder, or if the person is an  
21 operator of a pet shop and he or she has had 5 or more prior  
22 convictions for violating 1969 PA 287, MCL 287.331 to 287.340, the  
23 person is guilty of a felony punishable by imprisonment for not  
24 more than 2 years or a fine of not more than \$5,000.00, or both.

25 (5) The court may order a person convicted of violating  
26 subsection (2) to be evaluated to determine the need for  
27 psychiatric or psychological counseling and, if determined  
28 appropriate by the court, to receive psychiatric or psychological



1 counseling. The evaluation and counseling must be at the  
2 defendant's own expense.

3 (6) This section does not prohibit a person from being charged  
4 with, convicted of, or punished for any other violation of law  
5 arising out of the same transaction as the violation of this  
6 section.

7 (7) The court may order a term of imprisonment imposed for a  
8 violation of this section to be served consecutively to a term of  
9 imprisonment imposed for any other crime including any other  
10 violation of law arising out of the same transaction as the  
11 violation of this section.

12 (8) As a part of the sentence for a violation of subsection  
13 (2), the court may order the defendant to pay the costs of the  
14 care, housing, and veterinary medical care for the animal, as  
15 applicable. If the court does not order a defendant to pay all of  
16 the applicable costs listed in this subsection, or orders only  
17 partial payment of these costs, the court shall state on the record  
18 the reason for that action.

19 (9) As a part of the sentence for a violation of subsection  
20 (2), the court may, as a condition of probation, order the  
21 defendant not to own or possess an animal for a period of time not  
22 to exceed the period of probation. If a person is convicted of a  
23 second or subsequent violation of subsection (2), the court may  
24 order the defendant not to own or possess an animal for any period  
25 of time, including permanent relinquishment of animal ownership.

26 (10) A person who owns or possesses an animal in violation of  
27 an order issued under subsection (9) is subject to revocation of  
28 probation if the order is issued as a condition of probation. A  
29 person who owns or possesses an animal in violation of an order



1 issued under subsection (9) is also subject to the civil and  
2 criminal contempt power of the court, and if found guilty of  
3 criminal contempt, may be punished by imprisonment for not more  
4 than 90 days or a fine of not more than \$500.00, or both.

5 (11) As part of the sentence imposed under subsection (4)(e),  
6 the court may place the defendant on probation for any term of  
7 years, but not less than 5 years.

8 (12) This section does not prohibit the lawful killing or  
9 other use of an animal, including the following:

10 (a) Fishing.

11 (b) Hunting, trapping, or wildlife control regulated under the  
12 natural resources and environmental protection act, 1994 PA 451,  
13 MCL 324.101 to 324.90106.

14 (c) Horse racing.

15 (d) The operation of a zoological park or aquarium.

16 (e) Pest or rodent control regulated under part 83 of the  
17 natural resources and environmental protection act, 1994 PA 451,  
18 MCL 324.8301 to 324.8336.

19 (f) Farming or a generally accepted animal husbandry or  
20 farming practice involving livestock.

21 (g) Scientific research under 1969 PA 224, MCL 287.381 to  
22 287.395.

23 (h) Scientific research or the lawful killing of an animal  
24 under sections 2226, 2671, 2676, and 7333 of the public health  
25 code, 1978 PA 368, MCL 333.2226, 333.2671, 333.2676, and 333.7333.

26 (i) The lawful killing or use of an animal under the animal  
27 industry act, 1988 PA 466, MCL 287.701 to 287.746.

28 (13) This section does not apply to a veterinarian or a  
29 veterinary technician lawfully engaging in the practice of



- 1 veterinary medicine under part 188 of the public health code, 1978
- 2 PA 368, MCL 333.18801 to 333.18838.

