

**SUBSTITUTE FOR
HOUSE BILL NO. 6015**

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 50 (MCL 750.50), as amended by 2019 PA 135.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 50. (1) As used in this section and section 50b:
2 (a) "Adequate care" means the provision of sufficient food,
3 water, shelter, sanitary conditions, exercise, and veterinary
4 medical attention in order to maintain an animal in a state of good
5 health.
6 (b) "Animal" means a vertebrate other than a human being.
7 (c) "Animal control shelter" means a facility operated by a
8 county, city, village, or township to impound and care for animals
9 found in streets or otherwise at large contrary to an ordinance of



1 the county, city, village, or township or state law.

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

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

10 (f) "Licensed veterinarian" means ~~a person~~ **an individual**
11 licensed or otherwise authorized to practice veterinary medicine
12 under ~~article 15~~ **part 188** of the public health code, 1978 PA 368,
13 MCL ~~333.16101~~ **333.18801** to 333.18838.

14 (g) "Livestock" means that term as defined in section 3 of the
15 animal industry act, 1988 PA 466, MCL 287.703.

16 (h) "Neglect" means to fail to sufficiently and properly care
17 for an animal to the extent that the animal's health is
18 jeopardized.

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

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

24 (k) "Sanitary conditions" means space free from health hazards
25 including excessive animal waste, overcrowding of animals, or other
26 conditions that endanger the animal's health. ~~This definition does~~
27 **Sanitary conditions do** not include ~~any a~~ condition ~~resulting that~~
28 **results** from a customary and reasonable **farming or animal husbandry**
29 practice. ~~pursuant to farming or animal husbandry.~~



(l) "Shelter" means adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal —so as to maintain the animal in a state of good health. **If the elements and weather conditions pose an extreme risk to the health or safety of an animal, adequate protection must include protection or shade at all times necessary to maintain the animal in a state of good health.** Shelter, for livestock, includes structures or natural features such as trees or topography.

Shelter, for a dog, includes 1 or more of the following:

(i) The residence of the dog's owner or other individual **where the dog is kept in a space with appropriate light, ventilation, and temperature control.**

(ii) A doghouse that is an enclosed structure with a roof **and floor** and of appropriate dimensions for the breed and size of the dog. The doghouse must have dry bedding **to provide insulation and protection from the cold and damp** when the outdoor temperature is or is predicted to drop below freezing. **As used in this subparagraph, "dry bedding" includes materials like straw or cedar shavings but does not include a blanket, rag, or other material that retains moisture.**

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

(ii) that is accessible to the dog. **Unless modified to create shelter that provides adequate protection from the elements and weather conditions suitable for the age, breed, and physical condition of the dog so as to maintain the dog in a state of good health, a structure under this subparagraph does not include a**



1 crawl space under a building or under steps, a deck, or a stoop,
2 metal or plastic barrels, animal carriers, transport crates, or
3 wire crates that are designed to provide temporary housing. A
4 structure under this subparagraph does not include the space under
5 a vehicle, inside a vehicle that is not running appropriate climate
6 controls while under adult supervision, shelters made from
7 cardboard or other materials easily degraded by the elements, or
8 shelters with wire or chain-link floors.

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

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

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

18 (2) An owner, possessor, breeder, operator of a pet shop, or
19 person having the charge or custody of an animal shall not do any
20 of the following:

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

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

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

29 (d) Carry or cause to be carried a live animal in or upon a



1 vehicle or otherwise without providing a secure space, rack, car,
 2 crate, or cage in which livestock may stand and in which all other
 3 animals may stand, turn around, and lie down during transportation,
 4 or while awaiting slaughter. As used in this subdivision, for
 5 purposes of ~~transportation of~~ **transporting** sled dogs, "stand" means
 6 sufficient vertical distance to allow the ~~animal~~ **sled dog** to stand
 7 without its shoulders touching the top of the crate or
 8 transportation vehicle.

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

16 (f) Negligently allow ~~any~~ **an** animal, including ~~one who~~ **an**
 17 **animal that** is aged, diseased, maimed, hopelessly sick, disabled,
 18 or nonambulatory to suffer unnecessary neglect, torture, or pain.

19 (g) Tether a dog unless the tether is at least 3 times the
 20 length of the dog as measured from the tip of its nose to the base
 21 of its tail and is attached to a harness or nonchoke collar
 22 designed for tethering. This subdivision does not apply ~~if~~ **to** the
 23 tethering of the dog ~~occurs~~ while the dog is being groomed,
 24 trained, transported, or used in a hunt or event ~~where~~ **if** a shorter
 25 tether is necessary for the safety and well-being of the dog and
 26 others.

27 (3) If an animal is impounded and ~~is~~ being held by an animal
 28 control shelter or its designee, ~~or~~ an animal protection shelter or
 29 its designee, or a licensed veterinarian pending the outcome of a



1 criminal action charging a violation of this section or section
2 50b, before final disposition of the criminal charge, the
3 prosecuting attorney may file a civil action in the court that has
4 jurisdiction of the criminal action, requesting that the court
5 issue an order forfeiting the animal to the animal control shelter,
6 ~~or~~ animal protection shelter, or ~~to a~~ licensed veterinarian before
7 final disposition of the criminal charge. The prosecuting attorney
8 shall serve a true copy of the summons and complaint ~~upon~~ **on** the
9 defendant and ~~upon a~~ **any other** person with a known ownership
10 interest or known security interest in the animal or a person who
11 has filed a lien with the secretary of state on the animal. The
12 forfeiture of an animal under this section encumbered by a security
13 interest is subject to the interest of the holder of the security
14 interest if he or she did not have prior knowledge of or did not
15 consent to the commission of the crime. Upon the filing of the
16 civil action, the court shall set a hearing on the complaint. The
17 hearing must be conducted within 14 days of the filing of the civil
18 action, or as soon as practicable. The hearing must be before a
19 judge without a jury. At the hearing, the prosecuting attorney has
20 the burden of establishing by a preponderance of the evidence that
21 a violation of this section or section 50b occurred. If the court
22 finds that the prosecuting attorney has met this burden, the court
23 shall order immediate forfeiture of the animal to the animal
24 control shelter, ~~or~~ animal protection shelter, or ~~the~~ licensed
25 veterinarian unless the defendant, within 72 hours of the hearing,
26 submits to the court clerk cash or other form of security in an
27 amount determined by the court to be sufficient to repay all
28 reasonable costs incurred, and anticipated to be incurred, by the
29 animal control shelter, ~~or~~ animal protection shelter, or ~~the~~



1 licensed veterinarian in caring for the animal from the date of
2 initial impoundment to the date of trial. If cash or other security
3 has been submitted, and the trial in the action is continued at a
4 later date, any order of continuance must require the defendant to
5 submit additional cash or security in an amount determined by the
6 court to be sufficient to repay all additional reasonable costs
7 anticipated to be incurred by the animal control shelter, ~~or~~ animal
8 protection shelter, or ~~the~~ licensed veterinarian in caring for the
9 animal until the new date of trial. If the defendant submits cash
10 or other security to the court under this subsection the court may
11 enter an order authorizing the use of that cash or other security
12 before final disposition of the criminal charges to pay the
13 reasonable costs incurred by the animal control shelter, ~~or~~ animal
14 protection shelter, or ~~the~~ licensed veterinarian in caring for the
15 animal from the date of impoundment to the date of final
16 disposition of the criminal charges. The testimony of a person at a
17 hearing held under this subsection is not admissible against him or
18 her in any criminal proceeding except in a criminal prosecution for
19 perjury. The testimony of a person at a hearing held under this
20 subsection does not waive the person's constitutional right against
21 self-incrimination. An animal seized under this section or section
22 50b is not subject to any other civil action pending the final
23 judgment of the forfeiture action under this subsection.

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

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



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

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

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

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

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

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

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

12 (c) If the violation involved 4 or more animals but fewer than
13 10 animals or the person ~~had~~**has** 1 prior conviction under
14 subsection (2), the person is guilty of a felony punishable by 1 or
15 more of the following and may be ordered to pay the costs of
16 prosecution:

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

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

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

20 (d) If the violation involved 10 or more animals but fewer
21 than 25 animals or the person ~~had~~**has** 2 prior convictions for
22 violating subsection (2), the person is guilty of a felony
23 punishable by 1 or more of the following and may be ordered to pay
24 the costs of prosecution:

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

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

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

28 (e) If the violation involved 25 or more animals or the person



1 has ~~had~~ 3 or more prior convictions for violating subsection (2),
2 the person is guilty of a felony punishable by 1 or more of the
3 following and may be ordered to pay the costs of prosecution:

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

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

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

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

12 (5) The court may order a person convicted of violating
13 subsection (2) to be evaluated to determine the need for
14 psychiatric or psychological counseling and, if determined
15 appropriate by the court, to receive psychiatric or psychological
16 counseling. The evaluation and counseling ~~shall~~ **must** be at the
17 defendant's own expense.

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

22 (7) The court may order a term of imprisonment imposed for a
23 violation of this section to be served consecutively to a term of
24 imprisonment imposed for any other crime including any other
25 violation of law arising out of the same transaction as the
26 violation of this section.

27 (8) As a part of the sentence for a violation of subsection
28 (2), the court may order the defendant to pay the costs of the
29 care, housing, and veterinary medical care for the animal, as



1 applicable. If the court does not order a defendant to pay all of
2 the applicable costs ~~listed~~ in this subsection, or orders only
3 partial payment of these costs, the court shall state on the record
4 the reason for that action.

5 (9) As a part of the sentence for a violation of subsection
6 (2), the court may, as a condition of probation, order the
7 defendant not to own or possess an animal for a period of time not
8 to exceed the period of probation. If a person is convicted of a
9 second or subsequent violation of subsection (2), the court may
10 order the defendant not to own or possess an animal for any period
11 of time, including permanent relinquishment of animal ownership.

12 (10) A person who owns or possesses an animal in violation of
13 an order issued under subsection (9) is subject to revocation of
14 probation if the order is issued as a condition of probation. A
15 person who owns or possesses an animal in violation of an order
16 issued under subsection (9) is also subject to the civil and
17 criminal contempt power of the court, and if found guilty of
18 criminal contempt, may be punished by imprisonment for not more
19 than 90 days or a fine of not more than \$500.00, or both.

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

23 (12) This section does not prohibit the lawful killing or
24 other use of an animal, including **all of** the following:

25 (a) Fishing.

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

29 (c) Horse racing.



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

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

5 (f) Farming or a generally accepted animal husbandry or
6 farming practice involving livestock.

7 (g) Scientific research under 1969 PA 224, MCL 287.381 to
8 287.395.

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

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

14 (13) This section does not apply to a veterinarian or a
15 veterinary technician lawfully engaging in the practice of
16 veterinary medicine under part 188 of the public health code, 1978
17 PA 368, MCL 333.18801 to 333.18838.

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

