

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 4551

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 50 (MCL 750.50), as amended by 1998 PA 405.

**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 ~~1 or more vertebrates~~ **ANY VERTEBRATE** other  
7 than a human being.

8           (c) "Animal protection shelter" means a facility operated by a  
9 person, humane society, society for the prevention of cruelty to

1 animals, or any other nonprofit organization, for the care of  
2 homeless animals.

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

7 (e) "Licensed veterinarian" means a person licensed to  
8 practice veterinary medicine under article 15 of the public health  
9 code, 1978 PA 368, MCL 333.16101 to 333.18838.

10 (f) "Livestock" means that term as defined in the animal  
11 industry act of 1987, 1988 PA 466, MCL 287.701 to 287.747.

12 (g) "Person" means an individual, partnership, limited  
13 liability company, corporation, association, governmental entity,  
14 or other legal entity.

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

18 (i) "Sanitary conditions" means space free from health hazards  
19 including excessive animal waste, overcrowding of animals, or other  
20 conditions that endanger the animal's health. This definition does  
21 not include a ~~any~~ **ANY** condition resulting from a customary and  
22 reasonable practice pursuant to farming or animal husbandry.

23 (j) "Shelter" means adequate protection from the elements and  
24 weather conditions suitable for the age, species, and physical  
25 condition of the animal so as to maintain the animal in a state of  
26 good health. Shelter, for livestock, includes structures or natural  
27 features such as trees or topography. Shelter, for a dog, shall

1 ~~include~~**INCLUDES** 1 or more of the following:

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

3 (ii) A doghouse that is an enclosed structure with a roof and  
4 of appropriate dimensions for the breed and size of the dog. The  
5 doghouse shall have dry bedding when the outdoor temperature is or  
6 is predicted to drop below freezing.

7 (iii) A structure, including ~~, but not limited to,~~ a garage,  
8 barn, or shed, that is sufficiently insulated and ventilated to  
9 protect the dog from exposure to extreme temperatures or, if not  
10 sufficiently insulated and ventilated, contains a doghouse as  
11 provided under subparagraph (ii) that is accessible to the dog.

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

16 (l) "Tethering" means the restraint and confinement of a dog by  
17 use of a chain, rope, or similar device.

18 (m) "Water" means potable water that is suitable for the age  
19 and species of animal ~~, THAT IS~~ made regularly available unless  
20 otherwise directed by a **LICENSED** veterinarian. ~~licensed to practice~~  
21 ~~veterinary medicine.~~

22 (2) An owner, possessor, or person having the charge or  
23 custody of an animal shall not do any of the following:

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

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

27 (c) Carry or cause to be carried in or upon a vehicle or

1 otherwise any live animal having the feet or legs tied together,  
2 other than an animal being transported for medical care, or a horse  
3 whose feet are hobbled to protect the horse during transport or in  
4 any other cruel and inhumane manner.

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

14 (e) Abandon an animal or cause an animal to be abandoned, in  
15 any place, without making provisions for the animal's adequate  
16 care, unless premises are ~~temporarily~~ vacated for the protection of  
17 human life ~~during a disaster~~ **OR THE PREVENTION OF INJURY TO A**  
18 **HUMAN**. An animal that is lost by an owner or custodian while  
19 traveling, walking, hiking, or hunting ~~shall not be regarded as~~ **IS**  
20 **NOT** abandoned under this section when the owner or custodian has  
21 made a reasonable effort to locate the animal.

22 (f) ~~Willfully or negligently~~ **NEGLIGENTLY** allow any animal,  
23 including one who is aged, diseased, maimed, hopelessly sick,  
24 disabled, or nonambulatory to suffer unnecessary neglect, torture,  
25 or pain.

26 (g) Tether a dog unless the tether is at least 3 times the  
27 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.

3 (3) If an animal is impounded and is being held by an animal  
4 control shelter or its designee or an animal protection shelter or  
5 its designee or a licensed veterinarian pending the outcome of a  
6 criminal action charging a violation of this section or section  
7 50b, before final disposition of the criminal charge, the  
8 prosecuting attorney may file a civil action in the court that has  
9 jurisdiction of the criminal action, requesting that the court  
10 issue an order forfeiting the animal to the animal control shelter  
11 or animal protection shelter or to a licensed veterinarian before  
12 final disposition of the criminal charge. The prosecuting attorney  
13 shall serve a true copy of the summons and complaint upon the  
14 defendant and upon a person with a known ownership interest or  
15 known security interest in the animal or a person who has filed a  
16 lien with the secretary of state in an animal involved in the  
17 pending action. The forfeiture of an animal under this section  
18 encumbered by a security interest is subject to the interest of the  
19 holder of the security interest who did not have prior knowledge  
20 of, or consent to the commission of the crime. Upon the filing of  
21 the civil action, the court shall set a hearing on the complaint.  
22 The hearing shall be conducted within 14 days of the filing of the  
23 civil action, or as soon as practicable. The hearing shall be  
24 before a judge without a jury. At the hearing, the prosecuting  
25 attorney has the burden of establishing by a preponderance of the  
26 evidence that a violation of this section or section 50b occurred.  
27 If the court finds that the prosecuting attorney has met this

1 burden, the court shall order immediate forfeiture of the animal to  
2 the animal control shelter or animal protection shelter or the  
3 licensed veterinarian unless the defendant, within 72 hours of the  
4 hearing, submits to the court clerk cash or other form of security  
5 in an amount determined by the court to be sufficient to repay all  
6 reasonable costs incurred, and anticipated to be incurred, by the  
7 animal control shelter or animal protection shelter or the licensed  
8 veterinarian in caring for the animal from the date of initial  
9 impoundment to the date of trial. If cash or other security has  
10 been submitted, and the trial in the action is continued at a later  
11 date, any order of continuance shall require the defendant to  
12 submit additional cash or security in an amount determined by the  
13 court to be sufficient to repay all additional reasonable costs  
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 until the new date of trial. If the defendant submits cash  
17 or other security to the court under this subsection the court may  
18 enter an order authorizing the use of that money or other security  
19 before final disposition of the criminal charges to pay the  
20 reasonable costs incurred by the animal control shelter or animal  
21 protection shelter or the licensed veterinarian in caring for the  
22 animal from the date of impoundment to the date of final  
23 disposition of the criminal charges. The testimony of a person at a  
24 hearing held under this subsection is not admissible against him or  
25 her in any criminal proceeding except in a criminal prosecution for  
26 perjury. The testimony of a person at a hearing held under this  
27 subsection does not waive the person's constitutional right against

1 self-incrimination. An animal seized under this section or section  
2 50b is not subject to any other civil action pending the final  
3 judgment of the forfeiture action under this subsection.

4 ~~—— (4) A person who violates subsection (2) is guilty of a~~  
5 ~~misdemeanor punishable by imprisonment for not more than 93 days or~~  
6 ~~a fine of not more than \$1,000.00 or community service for not more~~  
7 ~~than 200 hours, or any combination of these penalties and the cost~~  
8 ~~of prosecution. A person who violates subsection (2) on a second~~  
9 ~~occasion is guilty of a felony punishable by imprisonment for not~~  
10 ~~more than 2 years or a fine of not more than \$2,000.00 or community~~  
11 ~~service for not more than 300 hours, or any combination of these~~  
12 ~~penalties and the cost of prosecution. A person who violates~~  
13 ~~subsection (2) on a third or subsequent occasion is guilty of a~~  
14 ~~felony punishable by imprisonment for not more than 4 years or a~~  
15 ~~fine of not more than \$5,000.00 or community service for not more~~  
16 ~~than 500 hours, or any combination of these penalties and the cost~~  
17 ~~of prosecution.~~

18 (4) A PERSON WHO VIOLATES SUBSECTION (2) IS GUILTY OF A CRIME  
19 AS FOLLOWS:

20 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISIONS (C) AND (D),  
21 IF THE VIOLATION INVOLVED 1 ANIMAL, THE PERSON IS GUILTY OF A  
22 MISDEMEANOR PUNISHABLE BY 1 OR MORE OF THE FOLLOWING AND MAY BE  
23 ORDERED TO PAY THE COSTS OF PROSECUTION:

24 (i) IMPRISONMENT FOR NOT MORE THAN 93 DAYS.

25 (ii) A FINE OF NOT MORE THAN \$1,000.00.

26 (iii) COMMUNITY SERVICE FOR NOT MORE THAN 200 HOURS.

27 (B) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISIONS (C) AND (D),

1 IF THE VIOLATION INVOLVED 2 OR 3 ANIMALS OR THE DEATH OF ANY  
2 ANIMAL, THE PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY 1 OR  
3 MORE OF THE FOLLOWING AND MAY BE ORDERED TO PAY THE COSTS OF  
4 PROSECUTION:

5 (i) IMPRISONMENT FOR NOT MORE THAN 1 YEAR.

6 (ii) A FINE OF NOT MORE THAN \$2,000.00.

7 (iii) COMMUNITY SERVICE FOR NOT MORE THAN 300 HOURS.

8 (C) IF THE VIOLATION INVOLVED 4 OR MORE ANIMALS BUT FEWER THAN  
9 10 ANIMALS OR THE PERSON HAD 1 PRIOR CONVICTION UNDER SUBSECTION  
10 (2), THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY 1 OR MORE OF  
11 THE FOLLOWING AND MAY BE ORDERED TO PAY THE COSTS OF PROSECUTION:

12 (i) IMPRISONMENT FOR NOT MORE THAN 2 YEARS.

13 (ii) A FINE OF NOT MORE THAN \$2,000.00.

14 (iii) COMMUNITY SERVICE FOR NOT MORE THAN 300 HOURS.

15 (D) IF THE VIOLATION INVOLVED 10 OR MORE ANIMALS OR THE PERSON  
16 HAD 2 OR MORE PRIOR CONVICTIONS FOR VIOLATING SUBSECTION (2), THE  
17 PERSON IS GUILTY OF A FELONY PUNISHABLE BY 1 OR MORE OF THE  
18 FOLLOWING AND MAY BE ORDERED TO PAY THE COSTS OF PROSECUTION:

19 (i) IMPRISONMENT FOR NOT MORE THAN 4 YEARS.

20 (ii) A FINE OF NOT MORE THAN \$5,000.00.

21 (iii) COMMUNITY SERVICE FOR NOT MORE THAN 500 HOURS.

22 (5) THE COURT MAY ORDER A PERSON CONVICTED OF VIOLATING  
23 SUBSECTION (2) TO BE EVALUATED TO DETERMINE THE NEED FOR  
24 PSYCHIATRIC OR PSYCHOLOGICAL COUNSELING AND, IF DETERMINED  
25 APPROPRIATE BY THE COURT, TO RECEIVE PSYCHIATRIC OR PSYCHOLOGICAL  
26 COUNSELING. THE EVALUATION AND COUNSELING SHALL BE AT THE  
27 DEFENDANT'S OWN EXPENSE.



1           (6) THIS SECTION DOES NOT PROHIBIT A PERSON FROM BEING CHARGED  
2 WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION OF LAW  
3 ARISING OUT OF THE SAME TRANSACTION AS THE VIOLATION OF THIS  
4 SECTION.

5           (7) THE COURT MAY ORDER A TERM OF IMPRISONMENT IMPOSED FOR A  
6 VIOLATION OF THIS SECTION TO BE SERVED CONSECUTIVELY TO A TERM OF  
7 IMPRISONMENT IMPOSED FOR ANY OTHER CRIME INCLUDING ANY OTHER  
8 VIOLATION OF LAW ARISING OUT OF THE SAME TRANSACTION AS THE  
9 VIOLATION OF THIS SECTION.

10           (8) ~~(5) If forfeiture is not ordered pursuant to subsection~~  
11 ~~(3), as~~ **AS** a part of the sentence for a violation of subsection  
12 (2), the court may order the defendant to pay the costs of the  
13 care, housing, and veterinary medical care for the animal, as  
14 applicable. If the court does not order a defendant to pay all of  
15 the applicable costs listed in this subsection, or orders only  
16 partial payment of these costs, the court shall state on the record  
17 the reason for that action.

18           (9) ~~(6)~~ As a part of the sentence for a violation of  
19 subsection (2), the court may, as a condition of probation, order  
20 the defendant not to own or possess an animal for a period of time  
21 not to exceed the period of probation. If a person is convicted of  
22 a second or subsequent violation of subsection (2), a ~~THE~~ court  
23 ~~order under this subsection~~ may order the defendant not to own or  
24 possess an animal for any period of time, ~~which may include~~  
25 **INCLUDING** permanent relinquishment of animal ownership.

26           (10) ~~(7)~~ A person who owns or possesses an animal in violation  
27 of an order issued under subsection ~~(6)~~ **(9)** is subject to

1 revocation of probation if the order is issued as a condition of  
2 probation. A person who owns or possesses an animal in violation of  
3 an order issued under subsection ~~(6)~~-(9) is also subject to the  
4 civil and criminal contempt power of the court, and if found guilty  
5 of criminal contempt, may be punished by imprisonment for not more  
6 than 90 days, or by a fine of not more than \$500.00, or both.

7 (11) ~~(8)~~This section does not prohibit the lawful killing or  
8 other use of an animal, including ~~, but not limited to,~~ the  
9 following:

10 (a) Fishing.

11 (b) Hunting, trapping, or wildlife control regulated pursuant  
12 ~~to~~ **UNDER** the natural resources and environmental protection act,  
13 1994 PA 451, 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) Activities authorized pursuant ~~to~~ **UNDER** rules promulgated  
22 under section 9 of the executive organization act of 1965, 1965 PA  
23 380, MCL 16.109.

24 (h) Scientific research pursuant ~~to~~ **UNDER** 1969 PA 224, MCL  
25 287.381 to 287.395.

26 (i) Scientific research pursuant ~~to~~ **UNDER** sections 2226, 2671,  
27 2676, and 7333 of the public health code, 1978 PA 368, MCL

1 333.2226, 333.2671, 333.2676, and 333.7333.

2 (12) THIS SECTION DOES NOT APPLY TO A VETERINARIAN OR A  
3 VETERINARY TECHNICIAN LAWFULLY ENGAGING IN THE PRACTICE OF  
4 VETERINARY MEDICINE UNDER PART 188 OF THE PUBLIC HEALTH CODE, 1978  
5 PA 368, MCL 333.18801 TO 333.18838.

6 Enacting section 1. This amendatory act takes effect April 1,  
7 2008.