

SENATE BILL No. 1258

April 17, 2008, Introduced by Senators GARCIA, GLEASON and ANDERSON and referred to the Committee on Judiciary.

A bill to amend 1988 PA 426, entitled

"An act to regulate dangerous animals; to provide for the confinement, tattooing, or destruction of dangerous animals; and to provide penalties for the owners or keepers of dangerous animals that attack human beings,"

by amending section 3 (MCL 287.323).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) ~~The owner of an animal that meets the definition~~
2 ~~of~~ **A PERSON WHO OWNS AN ANIMAL THAT HE OR SHE KNOWS OR HAS REASON**
3 **TO KNOW IS** a dangerous animal, **AS DEFINED** in section 1(a), **AND** that
4 **ANIMAL** causes the death of a person, is guilty of involuntary
5 manslaughter, ~~punishable under section 321 of the Michigan penal~~
6 ~~code, Act No. 328 of the Public Acts of 1931, being section 750.321~~
7 ~~of the Michigan Compiled Laws~~ **A FELONY PUNISHABLE BY IMPRISONMENT**
8 **FOR NOT MORE THAN 15 YEARS OR A FINE OF NOT LESS THAN \$5,000.00 OR**
9 **MORE THAN \$7,500.00, OR BOTH.**

1 ~~If an animal that meets the definition of~~ **A PERSON WHO**
 2 **OWNS AN ANIMAL THAT HE OR SHE KNOWS OR HAS REASON TO KNOW IS** a
 3 dangerous animal, **AS DEFINED** in section 1(a), **AND THAT ANIMAL**
 4 attacks a person and causes serious injury other than death, ~~the~~
 5 ~~owner of the animal is~~ guilty of a felony ~~punishable by~~
 6 ~~imprisonment~~ **1 OR MORE OF THE FOLLOWING:**

7 **(A) IMPRISONMENT** for not more than 4 years. ~~or a~~

8 **(B) A** fine of not less than \$2,000.00 ~~or community~~ **OR MORE**
 9 **THAN \$5,000.00.**

10 **(C) COMMUNITY** service work for not less than 500 hours. ~~or~~
 11 ~~any combination of these penalties.~~

12 ~~If an animal previously adjudicated to be~~ **A PERSON WHO**
 13 **OWNS AN ANIMAL THAT HE OR SHE KNOWS OR HAS REASON TO KNOW IS** a
 14 dangerous animal, **AS DEFINED IN SECTION 1(A), AND THAT ANIMAL**
 15 attacks or bites a person and causes an injury that is not a
 16 serious injury, ~~the owner of the animal is~~ guilty of a misdemeanor
 17 ~~punishable by imprisonment~~ **1 OR MORE OF THE FOLLOWING:**

18 **(A) IMPRISONMENT** for not more than ~~90~~ **93** days. ~~or a~~

19 **(B) A** fine of not less than ~~\$250.00~~ ~~nor more than \$500.00,~~ ~~or~~
 20 ~~community~~ **\$2,000.00.**

21 **(C) COMMUNITY** service work for not less than ~~240~~ **360** hours. ~~or~~
 22 ~~any combination of these penalties.~~

23 ~~If the owner of an animal that is previously adjudicated~~
 24 ~~to be~~ **A PERSON WHO OWNS AN ANIMAL THAT HE OR SHE KNOWS OR HAS**
 25 **REASON TO KNOW IS** a dangerous animal, **AS DEFINED IN SECTION 1(A),**
 26 **AND WHO** allows the animal to run at large, ~~the owner is~~ guilty of a
 27 misdemeanor ~~punishable by imprisonment~~ **1 OR MORE OF THE**

1 FOLLOWING:

2 (A) IMPRISONMENT for not more than ~~90~~93 days. ~~7~~a

3 (B) A fine of not less than ~~\$250.00~~ nor more than \$500.00, ~~or~~
4 ~~community~~ \$2,000.00.

5 (C) COMMUNITY service work for not less than ~~240~~360 hours. ~~7~~
6 ~~or any combination of these penalties.~~

7 (5) IF A PERSON IS CONVICTED OF A SECOND OR SUBSEQUENT
8 VIOLATION OF SUBSECTION (3) OR (4), THAT PERSON MAY BE CHARGED WITH
9 A FELONY PUNISHABLE BY 1 OR MORE OF THE FOLLOWING:

10 (A) IMPRISONMENT FOR NOT MORE THAN 4 YEARS.

11 (B) A FINE OF NOT LESS THAN \$2,000.00 OR MORE THAN \$5,000.00.

12 (C) COMMUNITY SERVICE WORK FOR NOT LESS THAN 500 HOURS.

13 (6) AS PART OF A SENTENCE FOR A VIOLATION OF SUBSECTION (1),
14 (2), (3), OR (4), THE COURT MAY, AS A CONDITION OF PROBATION, ORDER
15 THE PERSON NOT TO OWN OR POSSESS AN ANIMAL FOR A PERIOD OF TIME NOT
16 TO EXCEED THE PERIOD OF PROBATION. IF A PERSON IS CONVICTED OF A
17 SECOND OR SUBSEQUENT VIOLATION OF SUBSECTION (1), (2), (3), OR (4),
18 A COURT MAY ORDER THE PERSON NOT TO OWN OR POSSESS AN ANIMAL FOR
19 ANY PERIOD OF TIME, WHICH MAY INCLUDE PERMANENT RELINQUISHMENT OF
20 ANIMAL OWNERSHIP.

21 (7) ~~(5)~~The court may order a person convicted under this
22 section to pay the costs of the prosecution.