

# Legislative Analysis

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## ELIMINATE REQUIREMENT THAT COUNTY SHERIFFS LOCATE AND KILL UNLICENSED DOGS

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### House Bill 4168

**Sponsor: Rep. Margaret E. O'Brien**

**Committee: Local Government**

**Complete to 5-1-13**

### A SUMMARY OF HOUSE BILL 4168 AS INTRODUCED 2-5-13

House Bill 4168 would amend the Dog Law of 1919 to eliminate the provision that requires county sheriffs to "locate and kill" unlicensed dogs. A more detailed description of the bill follows.

Now under the law, a county treasurer may, based on records of dogs actually licensed, identify and locate all unlicensed dogs. The law classifies a dog that is required to be licensed but is unlicensed as a public nuisance. The county treasurer is to immediately list all unlicensed dogs identified and deliver copies of the list both to the county prosecuting attorney and to the director of the state Department of Agriculture (now called the Department of Agriculture and Rural Development). After receiving the name of an unlicensed dog's owner, the prosecuting attorney must commence proceedings against the owner. In addition, the law requires the sheriff to locate and kill (or caused to be killed) all such unlicensed dogs. Further, the law specifies that failure, refusal, or neglect on the part of a sheriff to carry out these provisions constitutes nonfeasance in office.

House Bill 4168 would retain most of these provisions, but eliminate both the requirement that a sheriff locate and kill all unlicensed dogs and the provision that to do otherwise constitutes nonfeasance in office.

### FISCAL IMPACT:

House Bill 4168 as introduced has no fiscal implications for the Department of Agriculture and Rural Development. The bill may have a fiscal impact on local governments related to the removal of responsibility of the local sheriff to locate and kill all unlicensed dogs.

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