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BILL



ANALYSIS

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Senate Bill 285 (Substitute S-2 as reported by the Committee of the Whole)

Senate Bill 286 (as reported without amendment)

Sponsor: Senator Steven Bieda (S.B. 285)

Senator Rick Jones (S.B. 286)

Committee: Judiciary

CONTENT

Senate Bill 285 (S-2) would amend the Michigan Penal Code to extend current animal neglect or cruelty prohibitions to a breeder or pet shop operator; revise and enhance the penalties for animal neglect or cruelty; and establish three degrees of killing or torturing an animal.

Under Section 50 of the Code, a person who owns, possesses, is in charge of, or has custody of an animal may not take certain actions that constitute animal neglect or cruelty. The bill would extend those prohibitions to a breeder and a pet shop operator. "Breeder" would mean a person who breeds animals other than livestock for the purpose of making a profit.

Currently, a violation of Section 50 is punishable as shown in the table below, based on the number of animals involved and the offender's prior convictions.

Animals involved or Prior Convictions	Max. Imprisonment	Max. Fine	Max. Community Service
1 animal ^{a)}	93 days	\$1,000	200 hours
2 or 3 animals, or the death of an animal ^{a)}	1 year	\$2,000	300 hours
4 to 9 animals, or 1 prior conviction ^{b)}	2 years	\$2,000	300 hours
10 or more animals, or 2 or more prior convictions ^{b)}	4 years	\$5,000	500 hours
^{a)} misdemeanor ^{b)} felony			

Under the bill, the current penalty for a violation involving 10 or more animals, or for a violation by a person with two or more prior convictions, would apply to a violation involving 10 or more animals, but fewer than 25, or a person with two prior convictions. A violation involving 25 or more animals, or a person with three or more prior convictions, would be a felony punishable by up to seven years' imprisonment; a maximum fine of \$10,000; and/or up to 500 hours of community service; as part of this sentence, the court could place the defendant on probation for any term of years, but not less than five years.

If a breeder or pet shop operator violated Section 50 and had five or more prior convictions for violating Public Act 287 of 1969 (which regulates pet shops and animal shelters), the

violation would be a felony punishable by imprisonment for up to two years, a maximum fine of \$5,000, or both.

Under Section 50b of the Penal Code, a person may not knowingly kill, torture, mutilate, maim, or disfigure an animal; commit a reckless act knowing or having reason to know that it will cause an animal to be killed, tortured, mutilated, maimed, or disfigured; or knowingly poison an animal. Under the bill, a violation would be third-degree killing or torturing of animals, except as provided below.

The offense would be second-degree killing or torturing of animals if the animal were a companion animal *or* the person intentionally committed the violation. The offense would be first-degree killing or torturing of animals if the animal were a companion animal *and* if a person intentionally committed the violation.

Currently, a violation is a felony punishable by up to four years' imprisonment and/or a maximum fine of \$5,000 for a single animal and \$2,500 for each additional animal involved in the violation but not more than a total of \$20,000. Under the bill, first-, second-, and third-degree killing or torturing of animals would be felonies, punishable by a maximum fine of \$5,000, up to 500 hours of community services, and a maximum prison term of 10 years for a first-degree offense, seven years for second degree, and four years for third degree.

In addition, the court could order a term of imprisonment imposed for a violation to be served consecutively to a term of imprisonment imposed for any other crime, including any other violation of law arising out of the same transaction as a violation of Section 50b.

Senate Bill 286 would amend the Code of Criminal Procedure to do the following:

- Revise the sentencing guidelines for animal neglect or cruelty and establish sentencing guidelines designations for animal neglect or cruelty penalties proposed by Senate Bill 285 (S-2).
- Apply the current sentencing guideline for killing or torturing animals to the proposed third-degree offense and establish sentencing guidelines designations for first- and second-degree violations.
- Revise sentencing guidelines scoring requirements for several offense variables (OVs), including requiring five points to be assigned for OV 4 (psychological injury) for first-, second-, or third-degree killing or torturing of animals if serious psychological injury requiring professional treatment occurred to the owner of a companion animal.

Senate Bill 286 is tie-barred to Senate Bill 285.

MCL 750.50 & 750.50b (S.B. 285)
777.16b et al. (S.B. 286)

Legislative Analyst: Glenn Steffens

FISCAL IMPACT

The bills could have an indeterminate negative fiscal impact on State and local government by increasing criminal justice costs of both incarceration and community supervision. In 2011, there were three felony dispositions for cruelty to 10 or more animals, and none resulted in prison time. However, also in 2011, there were 45 felony dispositions for the crime of killing or torturing an animal, of which seven resulted in prison sentences.

Date Completed: 9-23-13

Fiscal Analyst: Dan O'Connor

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.