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Senate Bill 386 (as introduced 5-23-13)
Sponsor: Senator Rick Jones
Committee: Judiciary

Date Completed: 6-18-13

CONTENT

The bill would amend the Michigan Penal Code to require a court to order a person not to own or possess an animal for at least five years as part of the sentence for certain crimes against animals.

In the sections that the bill would amend, the code defines "animal" as a vertebrate other than a human being.

Involvement in Animal Fighting

The Code prohibits a person from knowingly engaging in various activities involved with animal fighting, baiting, or target shooting, and prescribes criminal penalties for violating those prohibitions.

As part of the sentence for a violation, the court must order the person convicted not to own or possess an animal of the same species involved in the violation for five years after the date of sentencing. The bill would require the court to prohibit the person's ownership or possession of a such an animal for a period of at least five years after the date of sentencing or the date of release from incarceration, whichever was later.

Animal Abuse or Neglect

The Code prohibits an owner, possessor, or person having the charge or custody of an animal from engaging in various activities constituting animal abuse or neglect, and establishes criminal penalties for violating those prohibitions.

As part of the sentence for a violation, as a condition of probation, the court may order the defendant not to own or possess an animal for a period of time not to exceed the period of probation. If the person is convicted of a second or subsequent violation, the court may order the defendant not to own or possess an animal for any period of time, including permanent relinquishment of animal ownership.

Under the bill, if a person were convicted of a second or subsequent violation, the court would be required to order the defendant not to own or possess an animal for a period of at least five years after the date of sentencing or the date of release from incarceration, whichever was later, and could order permanent relinquishment of animal ownership.

Killing, Torturing, Mutilating, Maiming, Disfiguring, or Poisoning an Animal

The Code prohibits a person from doing any of the following without just cause:

- Knowingly killing, torturing, mutilating, maiming, or disfiguring an animal.
- Committing a reckless act knowing or having reason to know that it will cause an animal to be killed, tortured, mutilated, maimed, or disfigured.
- Knowingly administering poison to an animal, or knowingly exposing an animal to any poisonous substance, with the intent that the substance be taken or swallowed by the animal.

The Code prescribes criminal penalties for those violations. As part of the sentence, the court may order the defendant not to own or possess an animal for any period determined by the court, which may include permanent relinquishment. Under the bill, the court would be required to order the defendant not to own or possess an animal for a period of at least five years after the date of sentencing or the date of release from incarceration, whichever was later, and could order permanent relinquishment of animal ownership.

MCL 750.49 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Dan O'Connor

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