



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bills 316 and 317 (as introduced 5-14-19)
Sponsor: Senator Michael D. MacDonald (S.B. 316)
Senator Paul Wojno (S.B. 317)
Committee: Judiciary and Public Safety

Date Completed: 10-30-19

CONTENT

Senate Bill 316 would amend the Michigan Penal Code to do the following:

- **Prohibit a person from providing an animal to another for fighting or baiting, or as a shooting target.**
- **Prohibit an owner, possessor, breeder, operator of a pet shop, or person having charge or custody of an animal from knowingly providing an animal to another individual who intended to abuse the animal.**
- **Prescribe misdemeanor and felony penalties for violations of the bill.**

Senate Bill 317 would amend the Code of Criminal Procedure to include in the sentencing guidelines the felony penalties proposed by Senate Bill 317.

Senate Bill 317 is tie-barred to Senate Bill 316.

Senate Bill 316

Animal Fighting

Section 49 of the Penal Code contains various prohibitions relating to the use of an animal for fighting or baiting, or as a shooting target. Among other things, the Code prohibits a person from being a party to or causing the fighting, baiting, or shooting of an animal, and from knowingly renting or obtaining the use of, or permitting the use of a building, shed, room, yard, ground, or premises for fighting, baiting, or shooting an animal.

A person who violates Section 49 is guilty of a felony punishable by one of more of the following: a) up to four years' imprisonment, b) a fine of at least \$1,000, but not more than \$5,000, or 3) at least 250, but not more than 500 hours of community service.

Under the bill, a person also could not provide an animal to another individual who intended to use the animal for fighting, as described above. A person who violated this provision would be guilty of a felony punishable as currently prescribed in the Code.

Animal Neglect or Cruelty

Section 50 of the Penal Code prohibits an owner, possessor, breeder, operator of a pet shop, or a person having charge or custody of an animal from engaging in certain activities that would result in harm to the animal.

A violation of Section 50 is punishable as shown in [Table 1](#), based on the number of animals involved, the prior convictions of the offender for this crime, and whether an animal died. An offender also may be ordered to pay the costs of prosecution.

Table 1

Animals Involved or Prior Convictions	Offense	Maximum Imprisonment	Maximum Fine	Maximum Community Service
1 animal	Misdemeanor	93 days	\$1,000	200 hours
2 or 3 animals, or the death of an animal	Misdemeanor	1 year	\$2,000	300 hours
4 to 9 animals, or 1 prior conviction	Felony	2 years	\$2,000	300 hours
10 to 24 animals, or 2 prior convictions	Felony	4 years	\$5,000	500 hours
25 or more animals, or 3 or more prior convictions	Felony	7 years	\$10,000	500 hours

The bill also would prohibit an owner, possessor, breeder, operator of a pet shop, or person having charge or custody of an animal from knowingly providing an animal to another individual who intended to abuse the animal. A violation of this provision would be punishable as currently prescribed in the Code.

Senate Bill 317

The Code of Criminal Procedure includes the sentencing guideline designations for the penalties described in Section 50 of the Penal Code, as shown in [Table 2](#).

Table 2

Felony	Class & Category	Statutory Max. Sentence
Animal neglect or cruelty involving 4 to 9 animals, or 1 prior conviction.	G - Public Order	2 years
Animal neglect or cruelty involving 10 to 24 animals, or 2 prior convictions.	F - Public Order	4 years
Animal Neglect or cruelty involving 25 or more animals, or 3 or more convictions	E - Public Order	7 years

The bill would modify the sentencing guideline description for the felonies described above, as shown in [Table 3](#).

Table 3

Felony	Class & Category	Statutory Max. Sentence
Animal neglect or cruelty, <i>or providing an animal to an abuser</i> , involving 4 to 9 animals, or 1 prior conviction.	G - Public Order	2 years
Animal neglect or cruelty, <i>or providing an animal to an abuser</i> , involving 10 to 24 animals, or 2 prior convictions.	F - Public Order	4 years
Animal Neglect or cruelty, <i>or providing an animal to an abuser</i> , involving 25 or more animals, or 3 or more convictions	E - Public Order	7 years

Additionally, providing an animal to another individual who intended to use the animal for animal fighting would be a Class F felony against public order, with a statutory maximum sentence of four years' imprisonment.

MCL 750.49 & 750.50 (S.B. 316)
777.16b (S.B. 317)

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

Senate Bill 316

The bill would have a negative fiscal impact on the State and local government. New misdemeanor arrests and convictions under the bill could increase resource demands on law enforcement, court systems, community supervision, and jails. However, it is unknown how many people would be prosecuted under the bill's provisions. Any additional revenue from imposed fines would go to local libraries.

Senate Bill 317

The bill would have no fiscal impact on local government and an indeterminate fiscal impact on the State, in light of the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge*, in which the Court ruled that the sentencing guidelines are advisory for all cases. This means that the addition to the guidelines under the bill would not be compulsory for the sentencing judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction depends on judicial decisions.

Fiscal Analyst: Joe Carrasco

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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.