

**SUBSTITUTE FOR  
SENATE BILL NO. 657**

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 50 (MCL 750.50), as amended by 2019 PA 135.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 50. (1) As used in this section and section 50b:  
2           (a) "Adequate care" means the provision of sufficient food,  
3 water, shelter, sanitary conditions, exercise, and veterinary  
4 medical attention ~~in order~~ to maintain an animal in a state of good  
5 health.  
6           (b) "Animal" means a vertebrate other than a human being.  
7           ~~(c) "Animal control shelter" means a facility operated by a~~  
8 ~~county, city, village, or township to impound and care for animals~~  
9 ~~found in streets or otherwise at large contrary to an ordinance of~~



1 ~~the county, city, village, or township or state law.~~

2 ~~(d) "Animal protection shelter" means a facility operated by a~~  
 3 ~~person, humane society, society for the prevention of cruelty to~~  
 4 ~~animals, or any other nonprofit organization, for the care of~~  
 5 ~~homeless animals.~~

6 (c) "Animal control agency" means an animal control shelter,  
 7 an animal protection shelter, or a law enforcement agency.

8 (d) "Animal control shelter" and "animal protection shelter"  
 9 mean those terms as defined in section 1 of 1969 PA 287, MCL  
 10 287.331.

11 (e) "Breeder" means a person that breeds animals other than  
 12 livestock or dogs for remuneration, or that is a large-scale dog  
 13 breeding kennel as that term is defined in section 1 of 1969 PA  
 14 287, MCL 287.331.

15 (f) "Indigent" means a defendant who receives personal public  
 16 assistance, including under the food assistance program, temporary  
 17 assistance for needy families, Medicaid, or disability insurance,  
 18 resides in public housing, or earns an income less than 140% of the  
 19 federal poverty guideline.

20 (g) ~~(f)~~ "Licensed veterinarian" means a person licensed or  
 21 otherwise authorized to practice veterinary medicine under article  
 22 15 of the public health code, 1978 PA 368, MCL 333.16101 to  
 23 333.18838.

24 (h) ~~(g)~~ "Livestock" means that term as defined in section 3 of  
 25 the animal industry act, 1988 PA 466, MCL 287.703.

26 (i) ~~(h)~~ "Neglect" means to fail to sufficiently and properly  
 27 care for an animal to the extent that the animal's health is  
 28 jeopardized.

29 (j) ~~(i)~~ "Person" means an individual, partnership, limited



1 liability company, corporation, association, governmental entity,  
2 or other legal entity.

3 **(k)** ~~(j)~~—"Pet shop" means that term as defined in section 1 of  
4 1969 PA 287, MCL 287.331.

5 **(l)** ~~(k)~~—"Sanitary conditions" means space free from health  
6 hazards including excessive animal waste, overcrowding of animals,  
7 or other conditions that endanger the animal's health. This  
8 definition does not include any condition resulting from a  
9 customary and reasonable practice pursuant to farming or animal  
10 husbandry.

11 **(m)** "Service animal" means all of the following:

12 **(i)** That term as defined in 28 CFR 36.104.

13 **(ii)** A miniature horse that has been individually trained to do  
14 work or perform tasks as described in 28 CFR 36.104 for the benefit  
15 of a person with a disability.

16 **(n)** ~~(l)~~—"Shelter" means adequate protection from the elements  
17 and weather conditions suitable for the age, species, and physical  
18 condition of the animal so as to maintain the animal in a state of  
19 good health. Shelter, for livestock, includes structures or natural  
20 features such as trees or topography. Shelter, for a dog, includes  
21 1 or more of the following:

22 **(i)** The residence of the dog's owner or other individual.

23 **(ii)** A doghouse that is an enclosed structure with a roof and  
24 of appropriate dimensions for the breed and size of the dog. The  
25 doghouse must have dry bedding when the outdoor temperature is or  
26 is predicted to drop below freezing.

27 **(iii)** A structure, including a garage, barn, or shed, that is  
28 sufficiently insulated and ventilated to protect the dog from  
29 exposure to extreme temperatures or, if not sufficiently insulated



1 and ventilated, contains a doghouse as provided under subparagraph  
2 (ii) that is accessible to the dog.

3 (o) ~~(m)~~—"State of good health" means freedom from disease and  
4 illness, and in a condition of proper body weight and temperature  
5 for the age and species of the animal, unless the animal is  
6 undergoing appropriate treatment.

7 (p) ~~(n)~~—"Tethering" means the restraint and confinement of a  
8 dog by use of a chain, rope, or similar device.

9 (q) ~~(e)~~—"Water" means potable water that is suitable for the  
10 age and species of animal and that is made regularly available  
11 unless otherwise directed by a licensed veterinarian.

12 (2) An owner, possessor, breeder, operator of a pet shop, or  
13 person having the charge or custody of an animal shall not do any  
14 of the following:

15 (a) Fail to provide an animal with adequate care.

16 (b) Cruelly drive, work, or beat an animal, or cause an animal  
17 to be cruelly driven, worked, or beaten.

18 (c) Carry or cause to be carried in or ~~upon~~**on** a vehicle or  
19 otherwise any live animal having the feet or legs tied together,  
20 other than an animal being transported for medical care or a horse  
21 whose feet are hobbled to protect the horse during transport, or in  
22 any other cruel and inhumane manner.

23 (d) Carry or cause to be carried a live animal in or ~~upon~~**on** a  
24 vehicle or otherwise without providing a secure space, rack, car,  
25 crate, or cage in which livestock may stand and in which all other  
26 animals may stand, turn around, and lie down during transportation,  
27 or while awaiting slaughter. As used in this subdivision, for  
28 purposes of transportation of sled dogs, "stand" means sufficient  
29 vertical distance to allow the animal to stand without ~~its~~**the**



1 **animal's** shoulders touching the top of the crate or transportation  
2 vehicle.

3 (e) Abandon an animal or cause an animal to be abandoned, in  
4 any place, without making provisions for the animal's adequate  
5 care, unless premises are vacated for the protection of human life  
6 or the prevention of injury to a human. An animal that is lost by  
7 an owner or custodian while traveling, walking, hiking, or hunting  
8 is not abandoned under this section when the owner or custodian has  
9 made a reasonable effort to locate the animal.

10 (f) Negligently allow any animal, including ~~one who~~ **an animal**  
11 **that** is aged, diseased, maimed, hopelessly sick, disabled, or  
12 nonambulatory to suffer unnecessary neglect, torture, or pain.

13 (g) Tether a dog unless the tether is at least 3 times the  
14 length of the dog as measured from the tip of ~~its~~ **the dog's** nose to  
15 the base of ~~its~~ **the dog's** tail and is attached to a harness or  
16 nonchoke collar designed for tethering. This subdivision does not  
17 apply if the tethering of the dog occurs while the dog is being  
18 groomed, trained, transported, or used in a hunt or event where a  
19 shorter tether is necessary for the safety and well-being of the  
20 dog and others.

21 (3) ~~If an animal is impounded and is being held by an animal~~  
22 ~~control shelter or its designee or an animal protection shelter or~~  
23 ~~its designee or a licensed veterinarian pending the outcome of a~~  
24 ~~criminal action charging a violation of this section or section~~  
25 ~~50b, before final disposition of the criminal charge, the~~  
26 ~~prosecuting attorney may file a civil action in the court that has~~  
27 ~~jurisdiction of the criminal action, requesting that the court~~  
28 ~~issue an order forfeiting the animal to the animal control shelter~~  
29 ~~or animal protection shelter or to a licensed veterinarian before~~



1 ~~final disposition of the criminal charge. The prosecuting attorney~~  
2 ~~shall serve a true copy of the summons and complaint upon the~~  
3 ~~defendant and upon a person with a known ownership interest or~~  
4 ~~known security interest in the animal or a person who has filed a~~  
5 ~~lien with the secretary of state on the animal. The forfeiture of~~  
6 ~~an animal under this section encumbered by a security interest is~~  
7 ~~subject to the interest of the holder of the security interest if~~  
8 ~~he or she did not have prior knowledge of or did not consent to the~~  
9 ~~commission of the crime. Upon the filing of the civil action, the~~  
10 ~~court shall set a hearing on the complaint. The hearing must be~~  
11 ~~conducted within 14 days of the filing of the civil action, or as~~  
12 ~~soon as practicable. The hearing must be before a judge without a~~  
13 ~~jury. At the hearing, the prosecuting attorney has the burden of~~  
14 ~~establishing by a preponderance of the evidence that a violation of~~  
15 ~~this section or section 50b occurred. If the court finds that the~~  
16 ~~prosecuting attorney has met this burden, the court shall order~~  
17 ~~immediate forfeiture of the animal to the animal control shelter or~~  
18 ~~animal protection shelter or the licensed veterinarian unless the~~  
19 ~~defendant, within 72 hours of the hearing, submits to the court~~  
20 ~~elk cash or other form of security in an amount determined by the~~  
21 ~~court to be sufficient to repay all reasonable costs incurred, and~~  
22 ~~anticipated to be incurred, by the animal control shelter or animal~~  
23 ~~protection shelter or the licensed veterinarian in caring for the~~  
24 ~~animal from the date of initial impoundment to the date of trial.~~  
25 ~~If cash or other security has been submitted, and the trial in the~~  
26 ~~action is continued at a later date, any order of continuance must~~  
27 ~~require the defendant to submit additional cash or security in an~~  
28 ~~amount determined by the court to be sufficient to repay all~~  
29 ~~additional reasonable costs anticipated to be incurred by the~~



~~1 animal control shelter or animal protection shelter or the licensed  
2 veterinarian in caring for the animal until the new date of trial.  
3 If the defendant submits cash or other security to the court under  
4 this subsection the court may enter an order authorizing the use of  
5 that cash or other security before final disposition of the  
6 criminal charges to pay the reasonable costs incurred by the animal  
7 control shelter or animal protection shelter or the licensed  
8 veterinarian in caring for the animal from the date of impoundment  
9 to the date of final disposition of the criminal charges. The  
10 testimony of a person at a hearing held under this subsection is  
11 not admissible against him or her in any criminal proceeding except  
12 in a criminal prosecution for perjury. The testimony of a person at  
13 a hearing held under this subsection does not waive the person's  
14 constitutional right against self-incrimination. An animal seized  
15 under this section or section 50b is not subject to any other civil  
16 action pending the final judgment of the forfeiture action under  
17 this subsection.~~**Except as provided in this subsection and  
18 subsection (22), an animal that is a victim of a violation of this  
19 section and was seized by an animal control agency pending the  
20 outcome of a criminal action that charges a violation of this  
21 section must not be returned to the owner or possessor of the  
22 animal if the owner or possessor is alleged to have violated this  
23 section. A seized animal must be taken to a local animal control  
24 agency or a local animal control agency's designee. A service  
25 animal that is a victim of a violation of this section may be  
26 seized by an animal control agency under this section at the animal  
27 control agency's discretion, taking into consideration the totality  
28 of the circumstances. If an animal owner or possessor is convicted  
29 of violating subsection (2), the court shall award the animal**



1 involved in the violation to the animal control agency for  
2 evaluation and disposition.

3 (4) A person ~~who~~**that** violates subsection (2) is guilty of a  
4 crime as follows:

5 (a) Except as otherwise provided in subdivisions (c) to (f),  
6 if the violation involved 1 animal, the person is guilty of a  
7 misdemeanor punishable by 1 or more of the following and may be  
8 ordered to pay the costs of prosecution:

9 (i) Imprisonment for not more than 93 days.

10 (ii) A fine of not more than \$1,000.00.

11 (iii) Community service for not more than 200 hours.

12 (b) Except as otherwise provided in subdivisions (c) to (f),  
13 if the violation involved 2 or 3 animals or the death of any  
14 animal, the person is guilty of a misdemeanor punishable by 1 or  
15 more of the following and may be ordered to pay the costs of  
16 prosecution:

17 (i) Imprisonment for not more than 1 year.

18 (ii) A fine of not more than \$2,000.00.

19 (iii) Community service for not more than 300 hours.

20 (c) If the violation involved 4 or more animals but fewer than  
21 10 animals or the person had 1 prior conviction under subsection  
22 (2), the person is guilty of a felony punishable by 1 or more of  
23 the following and may be ordered to pay the costs of prosecution:

24 (i) Imprisonment for not more than 2 years.

25 (ii) A fine of not more than \$2,000.00.

26 (iii) Community service for not more than 300 hours.

27 (d) If the violation involved 10 or more animals but fewer  
28 than 25 animals or the person had 2 prior convictions for violating  
29 subsection (2), the person is guilty of a felony punishable by 1 or





1 more of the following and may be ordered to pay the costs of  
2 prosecution:

3 (i) Imprisonment for not more than 4 years.

4 (ii) A fine of not more than \$5,000.00.

5 (iii) Community service for not more than 500 hours.

6 (e) If the violation involved 25 or more animals or the person  
7 has had 3 or more prior convictions for violating subsection (2),  
8 the person is guilty of a felony punishable by 1 or more of the  
9 following and may be ordered to pay the costs of prosecution:

10 (i) Imprisonment for not more than 7 years.

11 (ii) A fine of not more than \$10,000.00.

12 (iii) Community service for not more than 500 hours.

13 (f) If the person is a breeder, or if the person is an  
14 operator of a pet shop and ~~he or she~~ **the person** has had 5 or more  
15 prior convictions for violating 1969 PA 287, MCL 287.331 to  
16 287.340, the person is guilty of a felony punishable by  
17 imprisonment for not more than 2 years, ~~or~~ a fine of not more than  
18 \$5,000.00, or both.

19 (5) The court may order ~~a person~~ **an individual** convicted of  
20 violating subsection (2) to be evaluated to determine the need for  
21 psychiatric or psychological counseling and, if determined  
22 appropriate by the court, to receive psychiatric or psychological  
23 counseling. The evaluation and counseling ~~shall~~ **must** be at the  
24 defendant's own expense.

25 (6) This section does not prohibit a person from being charged  
26 with, convicted of, or punished for any other violation of law  
27 arising out of the same transaction as the violation of this  
28 section.

29 (7) The court may order a term of imprisonment imposed for a



1 violation of this section to be served consecutively to a term of  
 2 imprisonment imposed for any other crime including any other  
 3 violation of law arising out of the same transaction as the  
 4 violation of this section.

5 (8) As a part of the sentence for a violation of subsection  
 6 (2), the court may order the defendant to pay **restitution,**  
 7 **including, but not limited to,** the costs **of the investigation of**  
 8 **the violation of this section, the costs of the prosecution, and**  
 9 **the costs** of the **seizure, care, housing, and** veterinary medical  
 10 care, ~~for~~ **and disposition of** the animal **victim,** as applicable. **The**  
 11 **costs of the seizure, care, housing, veterinary medical care, and**  
 12 **disposition of the animal victim should not be included in the**  
 13 **sentence if they were previously paid by the defendant with a**  
 14 **security deposit or bond as described in subsection (16), (18),**  
 15 **(20), or (21).** If the court does not order a defendant to pay all  
 16 of the applicable costs listed in this subsection, or orders only  
 17 partial payment of these costs, the court shall state on the record  
 18 the reason for that action. **As used in this subsection,**  
 19 **"disposition of the animal victim" includes, but is not limited to,**  
 20 **the transfer, euthanasia, or adoption of the animal.**

21 (9) As a part of the sentence for a violation of subsection  
 22 (2), the court may, as a condition of probation, order the  
 23 defendant not to own or possess an animal for a period of time not  
 24 to exceed the period of probation. If a person is convicted of a  
 25 second or subsequent violation of subsection (2), the court may  
 26 order the defendant not to own or possess an animal for any period  
 27 of time, including permanent relinquishment of animal ownership.

28 (10) A person ~~who~~ **that** owns or possesses an animal in  
 29 violation of an order issued under subsection (9) is subject to



1 revocation of probation if the order is issued as a condition of  
2 probation. A person ~~who~~**that** owns or possesses an animal in  
3 violation of an order issued under subsection (9) is also subject  
4 to the civil and criminal contempt power of the court, and if found  
5 guilty of criminal contempt, may be punished by imprisonment for  
6 not more than 90 days, ~~or~~ a fine of not more than \$500.00, or both.

7 (11) As part of the sentence imposed under subsection (4) (e),  
8 the court may place the defendant on probation for any term of  
9 years, but not less than 5 years.

10 (12) This section does not prohibit the lawful killing or  
11 other use of an animal, including the following:

12 (a) Fishing.

13 (b) Hunting, trapping, or wildlife control regulated under the  
14 natural resources and environmental protection act, 1994 PA 451,  
15 MCL 324.101 to 324.90106.

16 (c) Horse racing.

17 (d) The operation of a zoological park or aquarium.

18 (e) Pest or rodent control regulated under part 83 of the  
19 natural resources and environmental protection act, 1994 PA 451,  
20 MCL 324.8301 to 324.8336.

21 (f) Farming or a generally accepted animal husbandry or  
22 farming practice ~~involving~~**that involves** livestock.

23 (g) Scientific research under 1969 PA 224, MCL 287.381 to  
24 287.395.

25 (h) Scientific research or the lawful killing of an animal  
26 under sections 2226, 2671, 2676, and 7333 of the public health  
27 code, 1978 PA 368, MCL 333.2226, 333.2671, 333.2676, and 333.7333.

28 (i) The lawful killing or use of an animal under the animal  
29 industry act, 1988 PA 466, MCL 287.701 to 287.746.



1 (13) This section does not apply to a veterinarian or a  
2 veterinary technician lawfully engaging in the practice of  
3 veterinary medicine under part 188 of the public health code, 1978  
4 PA 368, MCL 333.18801 to 333.18838.

5 (14) An animal control agency taking custody of an animal  
6 under subsection (3) shall give notice within 72 hours of the  
7 seizure of the animal in person or by registered mail to the last  
8 known address of the animal's owner, if the owner of the animal is  
9 known. If the owner of the animal is unknown, the animal control  
10 agency shall give notice within 72 hours after the seizure by 1 of  
11 the following methods:

12 (a) Posting at the location of the seizure.

13 (b) Delivery to an individual that resides at the location of  
14 the seizure.

15 (c) Registered mail to the location of the seizure.

16 (15) The notice required under subsection (14) must include  
17 all of the following:

18 (a) A description of each animal seized.

19 (b) The time, date, location, and description of circumstances  
20 under which the animal was seized.

21 (c) The address and telephone number of the location where or  
22 under what animal control agency's authority the animal is being  
23 held and contact information for the individual present at that  
24 location from whom security deposit or bond information may be  
25 obtained.

26 (d) A statement that the owner or possessor of the animal may  
27 post a security deposit or bond that may prevent the forfeiture of  
28 the animal for the duration of the criminal, forfeiture, or other  
29 court proceeding until the court makes a final determination



1 regarding the animal's disposition; that failure to post a security  
2 deposit or bond within 14 days after the date on the notice will  
3 result in forfeiture of the animal; and that the owner or possessor  
4 of the animal may, before the expiration of the 14-day period  
5 described in this subdivision, request a hearing from the court  
6 with jurisdiction over the alleged violation of subsection (2) on  
7 whether the requirement to post a security deposit or bond is  
8 justified, whether the cost associated with the security deposit or  
9 bond is fair and reasonable for the care of and provision for the  
10 seized animal as the costs are described under subsection (8), or  
11 both.

12 (e) A statement that the owner or possessor of the animal is  
13 responsible for all costs described in subsection (8), unless the  
14 court determines that the seizure of the animal was not  
15 substantially justified by law.

16 (16) A request for a hearing within 14 days after the date on  
17 the notice prevents forfeiture of the animal until the court  
18 determines whether the requirement to post a security deposit or  
19 bond is justified, whether the amount of the security deposit or  
20 bond is fair and reasonable, or both. Notice of a request for a  
21 hearing under subsection (15) must be served on the animal control  
22 agency holding the animal before the expiration of the 14-day  
23 period described in subsection (15). A hearing on whether the  
24 requirement to post a security deposit or bond is justified,  
25 whether the amount of the security deposit or bond is fair and  
26 reasonable, or both, must be held within 21 days of the request for  
27 the hearing. The hearing is before a judge without a jury and the  
28 prosecuting attorney has the burden to establish by a preponderance  
29 of the evidence that the bond meets the requirements of this



1 subsection. If the court finds that the prosecuting attorney has  
2 met the burden, that the security deposit or bond is justified and  
3 reasonable, or both, the animal will be forfeited to the animal  
4 control agency that seized the animal unless the owner or possessor  
5 of the animal posts the required security deposit or bond within 72  
6 hours after the hearing. The court shall find the bond is not  
7 justified if the owner or possessor is indigent or has a  
8 substantial financial hardship. If the owner or possessor is  
9 currently serving a sentence in a correctional institution or is  
10 receiving residential treatment in a mental health or substance  
11 abuse facility, the owner or possessor must be rebuttably presumed  
12 to have a substantial financial hardship. The court shall consider  
13 the owner's or possessor's ability to pay, including, but not  
14 limited to, employment status, employment history, and financial  
15 history. If the court finds the bond is not reasonable based on the  
16 owner's or possessor's ability to pay, the court may forego a bond  
17 or set a reasonable bond amount. An owner's or possessor's failure  
18 to appear at a scheduled hearing requested under this subsection  
19 will result in automatic forfeiture of the animal to the animal  
20 control agency if the date of the scheduled hearing is more than 14  
21 days after the date on the notice described in subsection (15). The  
22 testimony of a defendant at a hearing held under this subsection is  
23 only admissible against the defendant for the purpose of  
24 impeachment or in a criminal prosecution for perjury. The testimony  
25 of a defendant at a hearing held under this subsection does not  
26 waive the defendant's constitutional right against self-  
27 incrimination.

28 (17) An animal control agency that holds or requires to be  
29 held a seized animal under subsection (3) shall hold the animal for



1 a period of 14 consecutive days, including weekends and holidays,  
2 beginning on the date notice was given under subsection (14). After  
3 the expiration of the 14 days, if the owner or a possessor of the  
4 animal has not posted a security deposit or bond as provided in  
5 subsections (15) and (18) or requested a hearing as described in  
6 subsection (16), the animal is forfeited, and the animal control  
7 agency may dispose of the animal by transfer to another animal  
8 control agency, humane euthanasia, or adoption.

9 (18) The security deposit or bond described in subsection  
10 (15) (d) must be in a sufficient amount to secure payment of all  
11 costs described in subsection (8) during a 30-day period after  
12 examination of the animal by a licensed veterinarian. The animal  
13 control agency shall determine the amount of the security deposit  
14 or bond not later than 72 hours after the seizure of the animal and  
15 shall make the amount of the security deposit or bond available to  
16 the owner or possessor of the animal on request. Unless the owner  
17 or possessor of the animal requests a hearing as described in  
18 subsection (16), the owner or possessor of the animal shall provide  
19 proof of the security deposit or bond to the animal control agency  
20 not later than 14 days after the date on the notice described in  
21 subsection (15).

22 (19) An animal control agency that holds or requires to be  
23 held a seized animal as provided in this section may draw on a  
24 security deposit or bond posted under subsection (16), (18), (20)  
25 or (21) to cover the actual reasonable costs incurred as described  
26 in subsection (8) from the date of the seizure to the date of the  
27 official disposition of the animal in the criminal action.

28 (20) If an animal is seized and is being held by an animal  
29 control agency or an animal control agency's designee pending the



1 outcome of a criminal action charging a violation of this section  
2 and the process in subsections (14) to (18) was not utilized,  
3 before final disposition of the criminal charge, the prosecuting  
4 attorney may file a civil action in the court that has jurisdiction  
5 of the criminal action requesting that the court issue an order to  
6 forfeit the animal to the animal control agency before final  
7 disposition of the criminal charge. The prosecuting attorney shall  
8 serve a true copy of the summons and complaint on the defendant  
9 owner or possessor of the animal. On the filing of the civil  
10 action, the court shall set a hearing on the complaint. The hearing  
11 must be conducted within 21 days of the filing of the civil action.  
12 The hearing must be before a judge without a jury. At the hearing,  
13 the prosecuting attorney has the burden of establishing by a  
14 preponderance of the evidence that a violation of this section  
15 occurred. If the court finds that the prosecuting attorney has met  
16 the burden and that the amount of the security deposit or bond  
17 necessary to prevent the forfeiture of the animal from the date of  
18 the seizure to 30 days after the date of the hearing is fair and  
19 reasonable based on costs described in subsection (8), the court  
20 shall order immediate forfeiture of the animal to the animal  
21 control agency unless the defendant owner or possessor, within 72  
22 hours after the hearing, submits to the court clerk a security  
23 deposit or bond in a sufficient amount to secure payment of all  
24 costs described in subsection (8) after examination of the animal  
25 by a licensed veterinarian from the date of the seizure to the date  
26 of the hearing and for an additional period of 30 days. A defendant  
27 owner or possessor's failure to post a security deposit or bond  
28 within 72 hours after the hearing or the defendant owner or  
29 possessor's failure to appear at a scheduled hearing under this





1 subsection will result in automatic forfeiture of the animal to the  
2 animal control agency. The testimony of a defendant at a hearing  
3 held under this subsection is only admissible against the defendant  
4 for the purpose of impeachment or in a criminal prosecution for  
5 perjury. The testimony of a defendant at a hearing held under this  
6 subsection does not waive the defendant's constitutional right  
7 against self-incrimination.

8 (21) If a security deposit or bond has been posted under  
9 subsection (16), (18), or (20), and trial in the criminal action  
10 does not occur within the initial 30-day bond period or is  
11 continued to a later date, the owner or possessor shall post an  
12 additional security deposit or bond in an amount determined  
13 sufficient to cover the costs described in subsection (8) as  
14 anticipated to be incurred by the animal control agency caring for  
15 the animal. The additional security deposit or bond must be  
16 calculated in 30-day increments and continue until the criminal  
17 action is resolved. If the owner or possessor of the animal fails  
18 to post a new security deposit or bond with the court before the  
19 previous security deposit or bond expires, the animal is forfeited  
20 to the animal control agency caring for the animal.

21 (22) If the owner or possessor that posted a security deposit  
22 or bond under subsection (16), (18), (20), or (21) is found not  
23 guilty in the criminal action, the amount of the security deposit  
24 or bond posted to prevent disposition of the animal if unused for  
25 the animal cost of care and, subject to subsections (23), (24), and  
26 (25), the animal must be returned to the owner.

27 (23) If a security deposit or bond is posted by an owner or  
28 possessor of an animal under subsection (16), (18), (20), or (21)  
29 and the court determines that the animal lacks any useful purpose



1 or poses a threat to public safety under subsection (25), the  
2 posting of the security deposit or bond does not prevent  
3 disposition of the animal.

4 (24) Upon receiving an animal seized under this section, or at  
5 any time thereafter, an animal control agency may humanely  
6 euthanize the animal or have the animal euthanized if, in the  
7 opinion of a licensed veterinarian, the animal is injured or  
8 diseased past recovery or the animal's continued existence is  
9 inhumane so that euthanasia is necessary to relieve pain and  
10 suffering. This subsection applies to an animal regardless of  
11 whether a security deposit or bond has been posted under subsection  
12 (16), (18), (20), or (21).

13 (25) An animal control agency that receives an animal seized  
14 under this section may apply to the district court or municipal  
15 court for a hearing to determine whether the animal must be  
16 humanely euthanized because of the animal's lack of any useful  
17 purpose or the public safety threat it poses. The court shall hold  
18 a hearing not later than 30 days after the filing of the  
19 application and shall give notice of the hearing to the owner of  
20 the animal. Upon a finding by the court that the animal lacks any  
21 useful purpose or poses a threat to public safety, the animal  
22 control agency shall humanely euthanize the animal or have the  
23 animal euthanized. Costs described in subsection (8) that are  
24 incurred by an animal control agency, or by a person may, in the  
25 court's discretion, be assessed against the owner of the animal.

