

SENATE BILL NO. 657

November 09, 2023, Introduced by Senator POLEHANKI and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

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.

1 (b) "Animal" means a vertebrate other than a human being.

2 ~~(c) "Animal control shelter" means a facility operated by a~~
3 ~~county, city, village, or township to impound and care for animals~~
4 ~~found in streets or otherwise at large contrary to an ordinance of~~
5 ~~the county, city, village, or township or state law.~~

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

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

12 (d) "Animal control shelter" and "animal protection shelter"
13 mean those terms as defined in section 1 of 1969 PA 287, MCL
14 287.331.

15 (e) "Breeder" means a person that breeds animals other than
16 livestock or dogs for remuneration, or that is a large-scale dog
17 breeding kennel as that term is defined in section 1 of 1969 PA
18 287, MCL 287.331.

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

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

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

28 (i) "Person" means an individual, partnership, limited
29 liability company, corporation, association, governmental entity,

1 or other legal entity.

2 (j) "Pet shop" means that term as defined in section 1 of 1969
3 PA 287, MCL 287.331.

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

9 (l) **"Service animal" means all of the following:**

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

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

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

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

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

25 (iii) A structure, including a garage, barn, or shed, that is
26 sufficiently insulated and ventilated to protect the dog from
27 exposure to extreme temperatures or, if not sufficiently insulated
28 and ventilated, contains a doghouse as provided under subparagraph

29 (ii) that is accessible to the dog.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (c) If the violation involved 4 or more animals but fewer than
19 10 animals or the person had 1 prior conviction under subsection
20 (2), the person is guilty of a felony punishable by 1 or more of
21 the following and may be ordered to pay the costs of prosecution:

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

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

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

25 (d) If the violation involved 10 or more animals but fewer
26 than 25 animals or the person had 2 prior convictions for violating
27 subsection (2), the person is guilty of a felony punishable by 1 or
28 more of the following and may be ordered to pay the costs of
29 prosecution:

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

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

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

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

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

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

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

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

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

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

27 (7) The court may order a term of imprisonment imposed for a
28 violation of this section to be served consecutively to a term of
29 imprisonment imposed for any other crime including any other

1 violation of law arising out of the same transaction as the
2 violation of this section.

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

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

26 (10) A person ~~who~~ **that** owns or possesses an animal in
27 violation of an order issued under subsection (9) is subject to
28 revocation of probation if the order is issued as a condition of
29 probation. A person ~~who~~ **that** owns or possesses an animal in

1 violation of an order issued under subsection (9) is also subject
2 to the civil and criminal contempt power of the court, and if found
3 guilty of criminal contempt, may be punished by imprisonment for
4 not more than 90 days, ~~or~~ a fine of not more than \$500.00, or both.

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

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

10 (a) Fishing.

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

14 (c) Horse racing.

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

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

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

21 (g) Scientific research under 1969 PA 224, MCL 287.381 to
22 287.395.

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

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

28 (13) This section does not apply to a veterinarian or a
29 veterinary technician lawfully engaging in the practice of

1 veterinary medicine under part 188 of the public health code, 1978
2 PA 368, MCL 333.18801 to 333.18838.

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

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

11 (b) Delivery to an individual that resides at the location of
12 the seizure.

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

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

16 (a) A description of each animal seized.

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

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

24 (d) A statement that the owner or possessor of the animal may
25 post a security deposit or bond that may prevent the forfeiture of
26 the animal for the duration of the criminal, forfeiture, or other
27 court proceeding until the court makes a final determination
28 regarding the animal's disposition; that failure to post a security
29 deposit or bond within 14 days after the date on the notice will

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

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

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

1 will be forfeited to the animal control agency that seized the
2 animal unless the owner or possessor of the animal posts the
3 required security deposit or bond within 72 hours after the
4 hearing. An owner's or possessor's failure to appear at a scheduled
5 hearing requested under this subsection will result in automatic
6 forfeiture of the animal to the animal control agency if the date
7 of the scheduled hearing is more than 14 days after the date on the
8 notice described in subsection (15). The testimony of a defendant
9 at a hearing held under this subsection is only admissible against
10 the defendant for the purpose of impeachment or in a criminal
11 prosecution for perjury. The testimony of a defendant at a hearing
12 held under this subsection does not waive the defendant's
13 constitutional right against self-incrimination.

14 (17) An animal control agency that holds or requires to be
15 held a seized animal under subsection (3) shall hold the animal for
16 a period of 14 consecutive days, including weekends and holidays,
17 beginning on the date notice was given under subsection (14). After
18 the expiration of the 14 days, if the owner or a possessor of the
19 animal has not posted a security deposit or bond as provided in
20 subsections (15) and (18) or requested a hearing as described in
21 subsection (16), the animal is forfeited, and the animal control
22 agency may dispose of the animal by transfer to another animal
23 control agency, humane euthanasia, or adoption.

24 (18) The security deposit or bond described in subsection
25 (15) (d) must be in a sufficient amount to secure payment of all
26 costs described in subsection (8) during a 30-day period after
27 examination of the animal by a licensed veterinarian. The animal
28 control agency shall determine the amount of the security deposit
29 or bond not later than 72 hours after the seizure of the animal and

1 shall make the amount of the security deposit or bond available to
2 the owner or possessor of the animal on request. Unless the owner
3 or possessor of the animal requests a hearing as described in
4 subsection (16), the owner or possessor of the animal shall provide
5 proof of the security deposit or bond to the animal control agency
6 not later than 14 days after the date on the notice described in
7 subsection (15).

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

14 (20) If an animal is seized and is being held by an animal
15 control agency or an animal control agency's designee pending the
16 outcome of a criminal action charging a violation of this section
17 and the process in subsections (14) to (18) was not utilized,
18 before final disposition of the criminal charge, the prosecuting
19 attorney may file a civil action in the court that has jurisdiction
20 of the criminal action requesting that the court issue an order to
21 forfeit the animal to the animal control agency before final
22 disposition of the criminal charge. The prosecuting attorney shall
23 serve a true copy of the summons and complaint on the defendant
24 owner or possessor of the animal. On the filing of the civil
25 action, the court shall set a hearing on the complaint. The hearing
26 must be conducted within 21 days of the filing of the civil action.
27 The hearing must be before a judge without a jury. At the hearing,
28 the prosecuting attorney has the burden of establishing by a
29 preponderance of the evidence that a violation of this section

1 occurred. If the court finds that the prosecuting attorney has met
2 the burden and that the amount of the security deposit or bond
3 necessary to prevent the forfeiture of the animal from the date of
4 the seizure to 30 days after the date of the hearing is fair and
5 reasonable based on costs described in subsection (8), the court
6 shall order immediate forfeiture of the animal to the animal
7 control agency unless the defendant owner or possessor, within 72
8 hours after the hearing, submits to the court clerk a security
9 deposit or bond in a sufficient amount to secure payment of all
10 costs described in subsection (8) after examination of the animal
11 by a licensed veterinarian from the date of the seizure to the date
12 of the hearing and for an additional period of 30 days. A defendant
13 owner or possessor's failure to post a security deposit or bond
14 within 72 hours after the hearing or the defendant owner or
15 possessor's failure to appear at a scheduled hearing under this
16 subsection will result in automatic forfeiture of the animal to the
17 animal control agency. The testimony of a defendant at a hearing
18 held under this subsection is only admissible against the defendant
19 for the purpose of impeachment or in a criminal prosecution for
20 perjury. The testimony of a defendant at a hearing held under this
21 subsection does not waive the defendant's constitutional right
22 against self-incrimination.

23 (21) If a security deposit or bond has been posted under
24 subsection (16), (18), or (20), and trial in the criminal action
25 does not occur within the initial 30-day bond period or is
26 continued to a later date, the owner or possessor shall post an
27 additional security deposit or bond in an amount determined
28 sufficient to cover the costs described in subsection (8) as
29 anticipated to be incurred by the animal control agency caring for

1 the animal. The additional security deposit or bond must be
2 calculated in 30-day increments and continue until the criminal
3 action is resolved. If the owner or possessor of the animal fails
4 to post a new security deposit or bond with the court before the
5 previous security deposit or bond expires, the animal is forfeited
6 to the animal control agency caring for the animal.

7 (22) If the owner or possessor that posted a security deposit
8 or bond under subsection (16), (18), (20), or (21) is found not
9 guilty in the criminal action, the amount of the security deposit
10 or bond posted to prevent disposition of the animal may be returned
11 to the owner or possessor at the court's discretion, and, subject
12 to subsections (23), (24), and (25), the animal must be returned to
13 the owner.

14 (23) If a security deposit or bond is posted by an owner or
15 possessor of an animal under subsection (16), (18), (20), or (21)
16 and the court determines that the animal lacks any useful purpose
17 or poses a threat to public safety under subsection (25), the
18 posting of the security deposit or bond does not prevent
19 disposition of the animal.

20 (24) Upon receiving an animal seized under this section, or at
21 any time thereafter, an animal control agency may humanely
22 euthanize the animal or have the animal euthanized if, in the
23 opinion of a licensed veterinarian, the animal is injured or
24 diseased past recovery or the animal's continued existence is
25 inhumane so that euthanasia is necessary to relieve pain and
26 suffering. This subsection applies to an animal regardless of
27 whether a security deposit or bond has been posted under subsection
28 (16), (18), (20), or (21).

29 (25) An animal control agency that receives an animal seized

1 under this section may apply to the district court or municipal
2 court for a hearing to determine whether the animal must be
3 humanely euthanized because of the animal's lack of any useful
4 purpose or the public safety threat it poses. The court shall hold
5 a hearing not later than 30 days after the filing of the
6 application and shall give notice of the hearing to the owner of
7 the animal. Upon a finding by the court that the animal lacks any
8 useful purpose or poses a threat to public safety, the animal
9 control agency shall humanely euthanize the animal or have the
10 animal euthanized. Costs described in subsection (8) that are
11 incurred by an animal control agency, or by a person may, in the
12 court's discretion, be assessed against the owner of the animal.