

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

750.50b Animal and companion animal defined; prohibited acts; violation; penalty; consecutive terms; exceptions.

Sec. 50b.

(1) As used in this section:

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

(b) "Companion animal" means an animal that is commonly considered to be, or is considered by its owner to be, a pet, or that is a service animal as that term is defined in section 50a. Companion animal includes, but is not limited to, dogs and cats.

(2) Except as otherwise provided in this section, a person shall not do any of the following without just cause:

(a) Knowingly kill, torture, mutilate, maim, or disfigure an animal.

(b) Commit a reckless act knowing or having reason to know that the act will cause an animal to be killed, tortured, mutilated, maimed, or disfigured.

(c) Knowingly administer poison to an animal, or knowingly expose an animal to any poisonous substance, with the intent that the substance be taken or swallowed by the animal.

(d) Violate or threaten to violate subdivision (a) or (c) with the intent to cause mental suffering or distress to a person or to exert control over a person.

(3) If the animal is a companion animal and if a person violates subsection (2)(d) and intentionally violates subsection (2)(a) or (c), the person is guilty of killing or torturing animals in the first degree.

(4) If the animal is a companion animal and a person violates subsection (2)(d), or if a person intentionally violates subsection (2)(a) or (c), the person is guilty of killing or torturing animals in the second degree.

(5) Except as otherwise provided in subsections (3) and (4), a person who violates subsection (2) is guilty of killing or torturing animals in the third degree.

(6) Killing or torturing animals in the first degree is a felony punishable by 1 or more of the following:

(a) Imprisonment for not more than 10 years.

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

(c) Community service for not more than 500 hours.

(7) Killing or torturing animals in the second degree is a felony punishable by 1 or more of the following:

(a) Imprisonment for not more than 7 years.

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

(c) Community service for not more than 500 hours.

(8) Killing or torturing animals in the third degree is a felony punishable by 1 or more of the following:

(a) Imprisonment for not more than 4 years.

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

(c) Community service for not more than 500 hours.

(9) The court may order a term of imprisonment imposed for a violation of this section 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 the violation of this section.

(10) As a part of the sentence for a violation of subsection (2), the court may order the defendant to pay the costs of the prosecution and the costs of the care, housing, and veterinary medical care for the animal victim, as applicable. If the court does not order a defendant to pay all of the applicable costs listed in this subsection, or orders only partial payment of these costs, the court shall state on the record the reasons for that action.

(11) If a term of probation is ordered for a violation of subsection (2), the court may include as a condition of that probation that the defendant be evaluated to determine the need for psychiatric or psychological counseling and, if determined appropriate by the court, to receive psychiatric or psychological counseling at his or her own expense.

(12) As a part of the sentence for a violation of subsection (2), the court may order the defendant not to own or possess an animal for any period of time determined by the court, which may include permanent relinquishment.

(13) A person who owns or possesses an animal in violation of an order issued under subsection (12) is subject to revocation of probation if the order is issued as a condition of probation. A person who owns or possesses an animal in violation of an order issued under subsection (12) is also subject to the civil and criminal contempt power of the court and, if found guilty of criminal contempt, may be punished by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.

(14) This section does not prohibit the lawful killing of livestock or a customary animal husbandry or farming practice involving livestock.

(15) This section does not prohibit the lawful killing of an animal pursuant to any of the following:

- (a) Fishing.
 - (b) Hunting, trapping, or wildlife control regulated under the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106, and orders issued under that act.
 - (c) Pest or rodent control regulated under part 83 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.8301 to 324.8336.
 - (d) Section 19 of the dog law of 1919, 1919 PA 339, MCL 287.279.
- (16) This section does not prohibit the lawful killing or use of an animal for scientific research under any of the following or a rule promulgated under any of the following:
- (a) 1969 PA 224, MCL 287.381 to 287.395.
 - (b) Sections 2226, 2671, 2676, 7109, and 7333 of the public health code, 1978 PA 368, MCL 333.2226, 333.2671, 333.2676, 333.7109, and 333.7333.
- (17) This section does not apply to a veterinarian or a veterinary technician lawfully engaging in the practice of veterinary medicine under part 188 of the public health code, 1978 PA 368, MCL 333.18801 to 333.18838.
- (18) This section does not prohibit the lawful killing or use of an animal under the animal industry act, 1988 PA 466, MCL 287.701 to 287.746.

History: Add. 1994, Act 126, Eff. Mar. 30, 1995 ;-- Am. 1996, Act 80, Imd. Eff. Feb. 27, 1996 ;-- Am. 2008, Act 339, Eff. Jan. 1, 2009 ;-- Am. 2018, Act 452, Eff. Mar. 21, 2019