



# HOUSE BILL No. 6209

June 12, 2018, Introduced by Reps. Vaupel, Lauwers, Victory, Alexander, Howell,  
Wentworth and Calley and referred to the Committee on Agriculture.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending sections 50 and 50b (MCL 750.50 and 750.50b), section  
50 as amended by 2007 PA 152 and section 50b as amended by 2008 PA  
339.

## 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 any vertebrate other than a human being.
- 7       (c) "Animal protection shelter" means a facility operated by a

1 person, humane society, society for the prevention of cruelty to  
2 animals, or any other nonprofit organization, for the care of  
3 homeless animals.

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

8 (e) "Licensed veterinarian" means a person licensed to  
9 practice veterinary medicine under article 15 of the public health  
10 code, 1978 PA 368, MCL 333.16101 to 333.18838.

11 (f) "Livestock" means that term as defined in the animal  
12 industry act of 1987, 1988 PA 466, MCL 287.701 to ~~287.747~~**287.745**.

13 (g) "Person" means an individual, partnership, limited  
14 liability company, corporation, association, governmental entity,  
15 or other legal entity.

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

19 (i) "Sanitary conditions" means space free from health hazards  
20 including excessive animal waste, overcrowding of animals, or other  
21 conditions that endanger the animal's health. This definition does  
22 not include any condition resulting from a customary and reasonable  
23 practice pursuant to farming or animal husbandry.

24 (j) "Shelter" means adequate protection from the elements and  
25 weather conditions suitable for the age, species, and physical  
26 condition of the animal so as to maintain the animal in a state of  
27 good health. Shelter, for livestock, includes structures or natural

features such as trees or topography. Shelter, for a dog, includes 1 or more of the following:

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

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

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

(k) "State of good health" means freedom from disease and illness, and in a condition of proper body weight and temperature for the age and species of the animal, unless the animal is undergoing appropriate treatment.

(l) "Tethering" means the restraint and confinement of a dog by use of a chain, rope, or similar device.

(m) "Water" means potable water that is suitable for the age and species of animal that is made regularly available unless otherwise directed by a licensed veterinarian.

(2) An owner, possessor, or person having the charge or custody of an animal shall not do any of the following:

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

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

(c) Carry or cause to be carried in or upon a vehicle or

1 otherwise any live animal having the feet or legs tied together,  
2 other than an animal being transported for medical care, or a horse  
3 whose feet are hobbled to protect the horse during transport or in  
4 any other cruel and inhumane manner.

5 (d) Carry or cause to be carried a live animal in or upon a  
6 vehicle or otherwise without providing a secure space, rack, car,  
7 crate, or cage, in which livestock may stand, and in which all  
8 other animals may stand, turn around, and lie down during  
9 transportation, or while awaiting slaughter. As used in this  
10 subdivision, for purposes of transportation of sled dogs, "stand"  
11 means sufficient vertical distance to allow the animal to stand  
12 without its shoulders touching the top of the crate or  
13 transportation vehicle.

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

21 (f) Negligently allow any animal, including one who is aged,  
22 diseased, maimed, hopelessly sick, disabled, or nonambulatory to  
23 suffer unnecessary neglect, torture, or pain.

24 (g) Tether a dog unless the tether is at least 3 times the  
25 length of the dog as measured from the tip of its nose to the base  
26 of its tail and is attached to a harness or nonchoke collar  
27 designed for tethering.

1           (3) If an animal is impounded and is being held by an animal  
2 control shelter or its designee or an animal protection shelter or  
3 its designee or a licensed veterinarian pending the outcome of a  
4 criminal action charging a violation of this section or section  
5 50b, before final disposition of the criminal charge, the  
6 prosecuting attorney may file a civil action in the court that has  
7 jurisdiction of the criminal action, requesting that the court  
8 issue an order forfeiting the animal to the animal control shelter  
9 or animal protection shelter or to a licensed veterinarian before  
10 final disposition of the criminal charge. The prosecuting attorney  
11 shall serve a true copy of the summons and complaint upon the  
12 defendant and upon a person with a known ownership interest or  
13 known security interest in the animal or a person who has filed a  
14 lien with the secretary of state in an animal involved in the  
15 pending action. The forfeiture of an animal under this section  
16 encumbered by a security interest is subject to the interest of the  
17 holder of the security interest who did not have prior knowledge  
18 of, or consent to the commission of the crime. Upon the filing of  
19 the civil action, the court shall set a hearing on the complaint.  
20 The hearing shall be conducted within 14 days of the filing of the  
21 civil action, or as soon as practicable. The hearing shall be  
22 before a judge without a jury. At the hearing, the prosecuting  
23 attorney has the burden of establishing by a preponderance of the  
24 evidence that a violation of this section or section 50b occurred.  
25 If the court finds that the prosecuting attorney has met this  
26 burden, the court shall order immediate forfeiture of the animal to  
27 the animal control shelter or animal protection shelter or the

1 licensed veterinarian unless the defendant, within 72 hours of the  
2 hearing, submits to the court clerk cash or other form of security  
3 in an amount determined by the court to be sufficient to repay all  
4 reasonable costs incurred, and anticipated to be incurred, by the  
5 animal control shelter or animal protection shelter or the licensed  
6 veterinarian in caring for the animal from the date of initial  
7 impoundment to the date of trial. If cash or other security has  
8 been submitted, and the trial in the action is continued at a later  
9 date, any order of continuance shall require the defendant to  
10 submit additional cash or security in an amount determined by the  
11 court to be sufficient to repay all additional reasonable costs  
12 anticipated to be incurred by the animal control shelter or animal  
13 protection shelter or the licensed veterinarian in caring for the  
14 animal until the new date of trial. If the defendant submits cash  
15 or other security to the court under this subsection the court may  
16 enter an order authorizing the use of that money or other security  
17 before final disposition of the criminal charges to pay the  
18 reasonable costs incurred by the animal control shelter or animal  
19 protection shelter or the licensed veterinarian in caring for the  
20 animal from the date of impoundment to the date of final  
21 disposition of the criminal charges. The testimony of a person at a  
22 hearing held under this subsection is not admissible against him or  
23 her in any criminal proceeding except in a criminal prosecution for  
24 perjury. The testimony of a person at a hearing held under this  
25 subsection does not waive the person's constitutional right against  
26 self-incrimination. An animal seized under this section or section  
27 50b is not subject to any other civil action pending the final

1 judgment of the forfeiture action under this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (d) If the violation involved 10 or more animals or the person  
27 had 2 or more prior convictions for violating subsection (2), the

1 person is guilty of a felony punishable by 1 or more of the  
2 following and may be ordered to pay the costs of 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 (5) The court may order a person convicted of violating  
7 subsection (2) to be evaluated to determine the need for  
8 psychiatric or psychological counseling and, if determined  
9 appropriate by the court, to receive psychiatric or psychological  
10 counseling. The evaluation and counseling shall be at the  
11 defendant's own expense.

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

16 (7) The court may order a term of imprisonment imposed for a  
17 violation of this section to be served consecutively to a term of  
18 imprisonment imposed for any other crime including any other  
19 violation of law arising out of the same transaction as the  
20 violation of this section.

21 (8) As a part of the sentence for a violation of subsection  
22 (2), the court may order the defendant to pay the costs of the  
23 care, housing, and veterinary medical care for the animal, as  
24 applicable. If the court does not order a defendant to pay all of  
25 the applicable costs listed in this subsection, or orders only  
26 partial payment of these costs, the court shall state on the record  
27 the reason for that action.



1           (9) As a part of the sentence for a violation of subsection  
2       (2), the court may, as a condition of probation, order the  
3       defendant not to own or possess an animal for a period of time not  
4       to exceed the period of probation. If a person is convicted of a  
5       second or subsequent violation of subsection (2), the court may  
6       order the defendant not to own or possess an animal for any period  
7       of time, including permanent relinquishment of animal ownership.

8           (10) A person who owns or possesses an animal in violation of  
9       an order issued under subsection (9) is subject to revocation of  
10      probation if the order is issued as a condition of probation. A  
11      person who owns or possesses an animal in violation of an order  
12      issued under subsection (9) is also subject to the civil and  
13      criminal contempt power of the court, and if found guilty of  
14      criminal contempt, may be punished by imprisonment for not more  
15      than 90 days, or by a fine of not more than \$500.00, or both.

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

18          (a) Fishing.

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

22          (c) Horse racing.

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

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

27          (f) Farming or a generally accepted animal husbandry or

1 farming practice involving livestock.

2 (g) Activities authorized under rules promulgated under  
3 section 9 of the executive organization act of 1965, 1965 PA 380,  
4 MCL 16.109.

5 (h) Scientific research under 1969 PA 224, MCL 287.381 to  
6 287.395.

7 (i) Scientific research under sections 2226, 2671, 2676, and  
8 7333 of the public health code, 1978 PA 368, MCL 333.2226,  
9 333.2671, 333.2676, and 333.7333.

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

14 Sec. 50b. (1) As used in this section, "animal" means any  
15 vertebrate other than a human being.

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

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

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

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

26 (3) A person who violates subsection (2) is guilty of a felony  
27 punishable by 1 or more of the following:

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

2 (b) A fine of not more than \$5,000.00 for a single animal and  
3 \$2,500.00 for each additional animal involved in the violation, but  
4 not to exceed a total of \$20,000.00.

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

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

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

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

24 (7) A person who owns or possesses an animal in violation of  
25 an order issued under subsection (6) is subject to revocation of  
26 probation if the order is issued as a condition of probation. A  
27 person who owns or possesses an animal in violation of an order

1 issued under subsection (6) is also subject to the civil and  
2 criminal contempt power of the court and, if found guilty of  
3 criminal contempt, may be punished by imprisonment for not more  
4 than 90 days or a fine of not more than \$500.00, or both.

5 (8) This section does not prohibit the lawful killing of  
6 livestock or a customary animal husbandry or farming practice  
7 involving livestock. As used in this subsection, "livestock" means  
8 that term as defined in section ~~5-3~~ of the animal industry act,  
9 1988 PA 466, MCL ~~287.705-287.703~~.

10 (9) This section does not prohibit the lawful killing of an  
11 animal pursuant to any of 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, and orders issued under that act.

16 (c) 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 (d) Activities authorized under rules promulgated under  
20 section 9 of the executive organization act of 1965, 1965 PA 380,  
21 MCL 16.109.

22 (e) Section 19 of the dog law of 1919, 1919 PA 339, MCL  
23 287.279.

24 (10) This section does not prohibit the lawful killing or use  
25 of an animal for scientific research under any of the following or  
26 a rule promulgated under any of the following:

27 (a) 1969 PA 224, MCL 287.381 to 287.395.

1 (b) Sections 2226, 2671, 2676, 7109, and 7333 of the public  
2 health code, 1978 PA 368, MCL 333.2226, 333.2671, 333.2676,  
3 333.7109, and 333.7333.

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

8 Enacting section 1. This amendatory act takes effect 90 days  
9 after the date it is enacted into law.

10 Enacting section 2. This amendatory act does not take effect  
11 unless Senate Bill No. \_\_\_\_ or House Bill No. 6205 (request no.  
12 04193'17) of the 99th Legislature is enacted into law.