



**House
Legislative
Analysis
Section**

Washington Square Building, Suite 1025
Lansing, Michigan 48909
Phone: 517/373-6466

DOG FIGHTING

House Bill 5595 with committee amendment
First Analysis (5-5-88) **RECEIVED**

Sponsor: Rep. Perry Bullard
Committee: Judiciary

JUL 08 1988

Mich. State Law Library

THE APPARENT PROBLEM:

Remarks made by experts and non-experts alike with regard to dog attacks frequently include the observation that many attacks are attributed to dogs bred for fighting, whether they be non-fighting representatives of a breed originally developed for fighting, or unregistered dogs of fighting stock. Although dog fighting is outlawed in Michigan, the breeding or selling of fighting stock is not. The Michigan Humane Society has proposed legislation to, among other things, criminalize the production and distribution of fighting dogs.

THE CONTENT OF THE BILL:

The bill would amend the Michigan Penal Code to:

*make it a felony to knowingly breed or sell a dog that has been trained to be used for fighting other animals, or to knowingly breed or sell the offspring of such a dog. The crime would be punishable by imprisonment for up to four years, a fine of up to \$2,000, or both.

*increase the penalty for attending a dog fight or similar sort of exhibition, which is at present a misdemeanor. Under the bill, it would be a felony punishable by imprisonment for up to four years, a fine of up to \$2,000, or both.

*provide for the confiscation and euthanasia of dogs used in fighting.

The bill would retain the current felony penalties (imprisonment for up to four years and/or a fine of up to \$5,000) for possessing a fighting dog, organizing a dog fight, or providing the facilities for a dog fight (these penalties also apply to similar activities, such as bear baiting and cock fighting, outlawed by the same portion of the penal code).

MCL 750.49

FISCAL IMPLICATIONS:

Fiscal information is not available.

ARGUMENTS:

For:

A large part of the problem with vicious dogs and attacks on people is the maintenance and proliferation of dogs used in fighting or that come from fighting lines. The bill would outlaw breeding fighting dogs, along with selling them or their offspring. This, together with stiffer penalties for attending a dog fight, should put some restraints on an activity that arguably creates dangerous dogs. Further, the bill would offer clear and explicit provisions under which a fighting dog could be confiscated and humanely destroyed, thus not only putting an end to the abuse of that dog, but also protecting the public from the danger inherent in a fighting dog being maintained as a pet, guard dog, or breeding animal.

Against:

The bill would be of little, if any, consequence. People who violate the law by participating in dog fights will continue to do so, and will not be deterred by specific penalties for breeding fighting dogs or increased penalties for attending a dog fight. The bill would not eliminate the machismo attraction of owning a fighting dog, nor stem the activities that prompt the irresponsible breeding and selling of fighting dogs. A stronger law is not needed as much as adequate resources for better enforcement of the law.

Against:

The bill could do more to limit indiscriminate breeding and selling of fighting dogs and repair the damage caused by such activities. It could, for instance, provide for community service as a sentencing option; a few weeks working in an animal shelter could be a particularly appropriate sentence. In addition, someone who has demonstrated such a lack of responsibility regarding dog ownership should be prohibited from having a dog, at least for a while. Finally, the bill should prohibit the purchase, as well as the sale, of a fighting dog.

POSITIONS:

The Michigan Animal Control Officers Association supports the bill. (5-3-88)

The Michigan Association for Pure Bred Dogs, Inc., supports the bill. (5-3-88)

The United Kennel Club supports the bill. (5-3-88)

The Michigan Humane Society supports the bill. (5-3-88)

A representative of the American Dog Owners Association testified in support of the bill. (5-3-88)

H.B. 5595 (5-5-88)