



**House
Legislative
Analysis
Section**

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DOG FIGHTING

House Bill 5595 as enrolled
Third Analysis (1-20-89)

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Sponsor: Rep. Perry Bullard

House Committee: Judiciary

Mich. State Law Library

Senate Committee: Regulatory Affairs

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, sell or buy a dog that has been trained to be used for fighting, or to knowingly breed, sell or buy 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. Someone convicted of this offense or a dog fighting offense existing under current law could not have a dog for five years after the date of sentencing. The prohibition would be part of the sentence and violating it would be punishable as contempt of court.
- 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 also would make special provision for attacks on humans by dogs trained or used in fighting or descended from dogs trained or used in fighting. If the dog's owner or another person incited the dog to a fatal attack on a human, the dog's owner would be guilty of a felony punishable by life imprisonment or by imprisonment for a maximum term of at least 15 years. If the attack did not result in the death of the person, the owner would be guilty of a felony punishable by up to four years in prison, a fine of up to \$2,000, or both. If the dog attacked without provocation and killed a person, the owner would be guilty of a felony punishable by up to 15 years. If the dog's unprovoked attack did not cause the death of a person, the dog's owner would be guilty of a misdemeanor punishable by imprisonment for up to one year, a fine of up to \$1,000, or both. None of these provisions would apply if the person attacked was committing an unlawful act on the property of the dog's owner.

In addition, a dog trained or used in fighting or descended from a dog trained or used for fighting would have to be confined on its owner's property or securely restrained. An owner who allowed the dog to go beyond the owner's property limits without being securely restrained, or who did not keep the dog securely enclosed or restrained on

the property, would be guilty of a misdemeanor punishable by imprisonment for up to 90 days, a fine of up to \$500, or both.

None of the above provisions specific to dogs trained for fighting or descended from fighting dogs would apply to police dogs, leader dogs, or private security firms using dogs under the provisions of the Private Security Guard Act of 1968.

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:

The House Fiscal Agency says the bill would have no fiscal implications. (1-20-89)

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 create severe and specific penalties for owners whose carelessness or aggressiveness created the opportunity for a fighting dog to attack a human. In addition, 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 is flawed in its provisions that pertain specifically to dogs trained for fighting or descended from dogs trained for or used in fighting. A number of breeds were originally

H.B. 5595 (1-20-89)

developed for fighting other animals; members of other breeds have commonly been trained as guard dogs. The bill may be overly harsh on the unwitting owner of a dog many generations removed from the fighting pit or attack training. For instance, should the owner of such a dog be subject to felony sanctions if someone else "sics" the dog on someone?