

HOUSE BILL No. 4742

May 10, 2007, Introduced by Reps. Bieda and Condino and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 50b (MCL 750.50b), as amended by 1996 PA 80.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 (2) ~~A—EXCEPT AS PROVIDED IN SUBSECTION (3),~~ A person who
4 willfully, maliciously, and without just cause or excuse kills,
5 tortures, mutilates, maims, or disfigures an animal or who
6 willfully and maliciously and without just cause or excuse
7 administers poison to an animal, or exposes an animal to any
8 poisonous substance, other than a substance that is used for
9 therapeutic veterinary medical purposes, with the intent that the
10 substance be taken or swallowed by the animal, is guilty of a
11 felony, punishable by imprisonment for not more than 4 years, or by

1 a fine of not more than \$5,000.00, or community service for not
2 more than 500 hours or any combination of these penalties.

3 (3) A PERSON WHO VIOLATES SUBSECTION (2) IN THE COURSE OF OR
4 AS THE MEANS OF PERPETRATING AN ACT OF DOMESTIC VIOLENCE IS GUILTY
5 OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 6 YEARS OR
6 A FINE OF NOT MORE THAN \$7,500.00, OR BOTH. AS USED IN THIS
7 SUBSECTION, "DOMESTIC VIOLENCE" MEANS THAT TERM AS DEFINED IN
8 SECTION 1 OF 1978 PA 389, MCL 400.1501.

9 (4) ~~(3)~~—As a part of the sentence for a violation of
10 subsection (2) OR (3), the court may order the defendant to pay the
11 costs of the prosecution and the costs of the care, housing, and
12 veterinary medical care for the impacted animal victim, as
13 applicable. If the court does not order a defendant to pay all of
14 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 reasons for that action.

17 (5) ~~(4)~~—If a term of probation is ordered for a violation of
18 subsection (2) OR (3), the court may order, as a condition of
19 probation, that the defendant be evaluated to determine the need
20 for psychiatric or psychological counseling, and, if determined
21 appropriate by the court, to receive psychiatric or psychological
22 counseling at his or her own expense.

23 (6) ~~(5)~~—As a part of the sentence for a violation of
24 subsection (2) OR (3), the court may order the defendant not to own
25 or possess an animal for any period of time determined by the
26 court, which may include permanent relinquishment.

27 (7) ~~(6)~~—A person who owns or possesses an animal in violation

1 of an order issued under subsection ~~(5)~~ **(6)** is subject to
 2 revocation of probation if the order is issued as a condition of
 3 probation. A person who owns or possesses an animal in violation of
 4 an order issued under subsection ~~(5)~~ **(6)** is also subject to the
 5 civil and criminal contempt power of the court, and if found guilty
 6 of criminal contempt, may be punished by imprisonment for not more
 7 than 90 days, or by a fine of not more than \$500.00, or both.

8 **(8)** ~~(7)~~ This section does not prohibit the lawful killing of
 9 livestock or a customary animal husbandry or farming practice
 10 involving livestock. As used in this subsection, "livestock" ~~has~~
 11 ~~the meaning attributed to the term~~ **MEANS THAT TERM AS DEFINED** in
 12 the animal industry act, ~~of 1987, Act No. 466 of the Public Acts of~~
 13 ~~1988, being sections 287.701 to 287.747 of the Michigan Compiled~~
 14 ~~Laws~~ **1988 PA 466, MCL 287.701 TO 287.745.**

15 **(9)** ~~(8)~~ This section does not prohibit the lawful killing of
 16 an animal pursuant to any of the following:

17 (a) Fishing.

18 (b) Hunting, trapping, or wildlife control regulated pursuant
 19 ~~to~~ **UNDER** part 401 ~~(wildlife conservation)~~ of the natural resources
 20 and environmental protection act, ~~Act No. 451 of the Public Acts of~~
 21 ~~1994, being sections 324.40101 to 324.40119 of the Michigan~~
 22 ~~Compiled Laws~~ **1994 PA 451, MCL 324.40101 TO 324.40120**, and orders
 23 issued under that act.

24 (c) Pest or rodent control regulated ~~pursuant to~~ **UNDER** part 83
 25 ~~(pesticide control)~~ of Act No. 451 of the Public Acts of 1994,
 26 ~~being sections 324.8301 to 324.8336 of the Michigan Compiled Laws~~
 27 **OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA**

1 451, MCL 324.8301 TO 324.8336.

2 (d) Activities authorized pursuant to ~~UNDER~~ rules promulgated
3 under section 9 of the executive organization act of 1965, ~~Act No.~~
4 ~~380 of the Public Acts of 1965, being section 16.109 of the~~
5 ~~Michigan Compiled Laws 1965 PA 380, MCL 16.109.~~

6 (10) ~~(9)~~ This section does not prohibit the lawful killing or
7 use of an animal for scientific research pursuant to ~~UNDER~~ any of
8 the following or a rule promulgated pursuant to ~~UNDER~~ any of the
9 following:

10 (a) ~~Act No. 224 of the Public Acts of 1969, being sections~~
11 ~~287.381 to 287.395 of the Michigan Compiled Laws 1969 PA 224, MCL~~
12 ~~287.381 TO 287.395.~~

13 (b) Sections 2226, 2671, 2676, 7109, and 7333 of the public
14 health code, ~~Act No. 368 of the Public Acts of 1978, being sections~~
15 ~~333.2226, 333.2671, 333.2676, 333.7109, and 333.7333 of the~~
16 ~~Michigan Compiled Laws 1978 PA 368, MCL 333.2226, 333.2671,~~
17 ~~333.2676, 333.7109, AND 333.7333.~~

18 (11) A CONVICTION OR SENTENCE UNDER THIS SECTION DOES NOT
19 PRECLUDE A CONVICTION OR SENTENCE FOR A VIOLATION OF ANY OTHER LAW
20 OF THIS STATE ARISING FROM THE SAME TRANSACTION.