

# Legislative Analysis



## ANIMAL ABUSE CONVICTION: PROHIBIT ANIMAL OWNERSHIP FOR 5 YEARS

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House Bill 4755

Sponsor: Rep. Harvey Santana

Committee: Judiciary

Complete to 1-29-14

### A SUMMARY OF HOUSE BILL 4755 AS INTRODUCED 5-21-13

The bill would require a court to order a person convicted of certain animal abuse offenses to not own or possess an animal for at least five years post-sentencing or release from incarceration, whichever is later.

House Bill 4755 would amend the Michigan Penal Code to do the following (underlining denotes changes):

- ❖ As part of the sentence for a violation of the *animal fighting law*, specify that the current prohibition on owning or possessing an animal of the same species involved in the violation is for a period of at least five years after the date of sentencing or the date of release from incarceration, whichever is later.
- ❖ As part of the sentence for *animal neglect or cruelty*, require, instead of allow, a court to impose as a condition of probation an order prohibiting the defendant to own or possess an animal for a period not to exceed the period of probation.
- ❖ For a second or subsequent violation of *animal neglect or cruelty*, require, instead of allow, a court to order the defendant not to own or possess an animal for at least five years after the date of sentencing or the date of release from incarceration, whichever is later (instead of for any period of time). A court could still order permanent relinquishment of animal ownership.
- ❖ As part of the sentence for *killing or torturing an animal*, require, instead of allow, a court to order the defendant not to own or possess an animal for at least five years after the date of sentencing or the date of release from incarceration, whichever is later (instead of for any period of time). The court could still order permanent relinquishment of animal ownership.
- ❖ Make numerous changes of a technical nature, such as correcting references to legal citations.

MCL 750.49, 750.50, and 750.50b

**FISCAL IMPACT:**

The bill would have an indeterminate fiscal impact on the judiciary and local court funding units. The bill's new requirements could cause an increase in caseloads and related administrative costs.

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