



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

## BILL ANALYSIS



Telephone: (517) 373-5383  
Fax: (517) 373-1986

House Bill 4534 (Substitute H-7 as reported without amendment)  
House Bill 5061 (Substitute H-2 as reported without amendment)  
House Bill 5062 (Substitute H-1 as reported without amendment)  
Sponsor: Representative Paul Muxlow (H.B. 4534)

Representative Harvey Santana (H.B. 5061 & 5062)

House Committee: Judiciary  
Senate Committee: Judiciary

**CONTENT**

House Bill 4534 (H-7) would add Section 8b to Public Act 287 of 1969, which regulates pet shops, animal control shelters, and animal protection shelters, to require an animal control shelter or animal protection shelter to conduct a search using the Internet Criminal History Access Tool (ICHAT) before allowing an individual to adopt an animal, in order to determine whether he or she had a prior criminal history for an animal abuse offense. A shelter would not be in violation of Section 8b if an ICHAT search failed to disclose a person's prior criminal history for an animal abuse offense.

The bill would not apply to a pet shop that allowed an animal protection shelter to use pet shop resources, including its premises, facilities, employees, equipment, and advertising for pet adoptions, or to a pet shop that worked with an animal protection shelter but did not perform adoptions except as an agent of the shelter.

Section 8b could be referred to as "Logan's Law".

House Bill 5061 (H-2) would add Section 8c to Public Act 287 of 1969 to permit an animal control shelter or animal protection shelter to consider an individual's criminal history when deciding whether to allow the individual to adopt an animal. A shelter could not allow a person who had been convicted of an animal abuse offense to adopt an animal unless at least five years had elapsed since the date of the conviction. A shelter could choose not to allow a person to adopt an animal if he or she had been charged with committing an animal abuse offense and entered a plea to any other crime in exchange for dismissal of that charge.

Also, the bill would refer to an animal, rather than a dog, cat, or ferret, in the Act's definition of "adoption". The bill would define "animal" as a vertebrate other than a human being, except livestock. Currently, "animal" means a mammal, except livestock and rodents.

Section 8c could be referred to as the "Animal Adoption Protection Act".

Both House Bills 5061 (H-2) and 5062 (H-1) would define "animal abuse offense" as one or more of the following:

- Owning, possessing, using, buying, selling or offering to buy or sell, importing, or exporting an animal for fighting or baiting, or as a shooting target.

- Animal neglect, cruelty, or abandonment.
- Willfully and maliciously assaulting, beating, harassing, injuring, impeding, or interfering with a dog, knowing or having reason to believe the dog is a guide or leader dog or a service dog.
- Knowingly killing, torturing, mutilating, maiming, or disfiguring an animal; committing a reckless act knowing or having reason to know that it will cause an animal to be killed, tortured, mutilated, maimed, or disfigured; or intentionally poisoning an animal.
- Intentionally killing or causing physical harm to, or intentionally harassing or interfering with, a police dog or police horse, or a search and rescue dog.
- Committing sodomy with an animal.
- Committing a violation of a local ordinance substantially corresponding to a violation listed above.
- Attempting or conspiring to commit an offense described above.

The term would not include actions that constitute the lawful use of an animal to hunt or to participate in field trials or the lawful killing or other use of an animal in farming or a generally accepted animal husbandry or farming practice involving livestock.

House Bill 5062 (H-1) would amend Public Act 120 of 1935, which provides for the recording and filing of fingerprints by the Michigan Department of State Police (MSP), to specify that the fee for processing and completing a name-based criminal record check (an ICHAT search) could not be charged if the requestor were an animal control shelter or animal protection shelter conducting a background check for purposes of animal adoption.

The Act allows the MSP to charge a fee of \$10 for processing and completing a name-based criminal record check unless a fee is charged under any other law or the requester is a government agency or nonprofit charitable agency performing employment or volunteer employment name-based background checks through ICHAT. The bill would make an additional exception, as described above.

The MSP would have to prepare an annual report of animal abuse offenses reported to the Department for inclusion in its criminal history record information database. Each report would have to include the number of offenses reported during the year, broken down into categories the MSP considered appropriate. The MSP would have to give a copy of the report to the Secretary of the Senate, the Clerk of the House of Representatives, and the Director of the Department of Agriculture and Rural Development.

Proposed MCL 287.338b (H.B. 4534)  
 MCL 287.331 et al. (H.B. 5061)  
 28.273 (H.B. 5062)

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

House Bills 4537 (H-7) and 5061 (H-2) would have no fiscal impact on State government. For local municipalities that operate an animal control center or an animal protection center, there could be an increased cost if they currently do not have the capability to use the ICHAT system.

House Bill 5062 (H-1) would have no fiscal impact on State or local government.

Date Completed: 10-2-14

Fiscal Analyst: Bruce Baker  
 John Maxwell

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.