

HOUSE BILL No. 5988

December 2, 2014, Introduced by Rep. Victory and referred to the Committee on Local Government.

A bill to amend 2000 PA 246, entitled
"Wolf-dog cross act,"
by amending sections 18 and 20 (MCL 287.1018 and 287.1020).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 18. (1) A law enforcement officer may return a seized
2 wolf-dog cross to the owner of the wolf-dog cross if the law
3 enforcement officer is satisfied that the conditions resulting in
4 the seizure have been corrected. If the wolf-dog cross was seized
5 pursuant to process issued by a court, the law enforcement officer
6 shall obtain approval of the court before returning the wolf-dog
7 cross.

1 (2) Unless the wolf-dog cross has been returned, the law
2 enforcement officer shall, within 10 days after the wolf-dog cross
3 is seized, give written notice of the seizure and intent to forfeit
4 the wolf-dog cross to each of the following persons:

5 (a) The owner of the wolf-dog cross.

6 (b) Each person with a known ownership interest in the wolf-
7 dog cross.

8 (c) Any person who was injured or whose property was damaged
9 by the wolf-dog cross.

10 (3) ~~The~~ **BEFORE JANUARY 1, 2015, THE** notice required under
11 subsection (2) shall be delivered in person or sent by certified
12 mail. ~~If~~ **BEFORE JANUARY 1, 2015, IF** the name and address of the
13 person are not reasonably ascertainable or personal delivery of the
14 notice cannot reasonably be accomplished, the notice shall be
15 published in a newspaper of general circulation in the county in
16 which the wolf-dog cross was seized for 10 successive publishing
17 days. **BEGINNING JANUARY 1, 2015, THE NOTICE REQUIRED UNDER**
18 **SUBSECTION (2) SHALL BE PROVIDED BY SENDING THE NOTICE BY CERTIFIED**
19 **MAIL AND BY TIER B PUBLIC NOTICE AS PROVIDED IN THE LOCAL**
20 **GOVERNMENT PUBLIC NOTICE ACT.** Proof of written notice or
21 publication shall be filed with the court having jurisdiction over
22 the seizure or forfeiture.

23 (4) The law enforcement officer shall immediately after
24 seizure of the wolf-dog cross notify the prosecuting attorney for
25 the county in which the wolf-dog cross was seized or, if the
26 attorney general is actively handling a case involving or relating
27 to the wolf-dog cross, the attorney general of the seizure of the

1 wolf-dog cross and any intent to forfeit the wolf-dog cross under
2 this act.

3 Sec. 20. (1) A law enforcement officer shall return a seized
4 wolf-dog cross to the owner of the wolf-dog cross within 7 days
5 after the occurrence of any of the following:

6 (a) The failure to issue a warrant against the owner or person
7 temporarily in possession of the wolf-dog cross for committing a
8 misdemeanor under section 15 or to file a complaint under section
9 16(3) within 10 days after the wolf-dog cross is seized.

10 (b) The dismissal of charges against the owner or person
11 temporarily in possession of the wolf-dog cross under section 15 or
12 of a complaint under section 16(3), as applicable.

13 (c) The court's determination that an order for the wolf-dog
14 cross to be forfeited shall not be entered.

15 (d) The acquittal of the owner or person temporarily in
16 possession of the wolf-dog cross of any charges under section 15.

17 (e) Entry of a court order under this act for the return of
18 the wolf-dog cross.

19 (2) If a wolf-dog cross is returned under subsection (1), the
20 law enforcement officer shall give written notice to the persons
21 who received notice under section 18 that the wolf-dog cross has
22 been returned. ~~The~~ **BEFORE JANUARY 1, 2015, THE** notice under this
23 subsection shall be delivered in person or sent by certified mail.
24 ~~If~~ **BEFORE JANUARY 1, 2015,** the name and address of the person are
25 not reasonably ascertainable or personal delivery of the notice
26 cannot reasonably be accomplished, the notice shall be published in
27 a newspaper of general circulation in the county in which the wolf-

1 dog cross was seized for 10 successive publishing days. **BEGINNING**
2 **JANUARY 1, 2015, THE NOTICE REQUIRED UNDER THIS SUBSECTION SHALL BE**
3 **PROVIDED BY SENDING THE NOTICE BY CERTIFIED MAIL AND BY TIER B**
4 **PUBLIC NOTICE AS PROVIDED IN THE LOCAL GOVERNMENT PUBLIC NOTICE**
5 **ACT.**

6 (3) If the court orders a wolf-dog cross to be forfeited, the
7 order of forfeiture shall direct that each wolf-dog cross be
8 transferred to a wildlife sanctuary approved by the association of
9 sanctuaries, an animal protection shelter, or a zoo accredited by
10 the American zoo and aquarium association, where the wolf-dog cross
11 will be safely and humanely cared for as provided by this act.
12 However, subject to section 10, if the wolf-dog cross killed or
13 injured a human or an animal, the order of forfeiture may direct
14 that the wolf-dog cross be humanely euthanized by a veterinarian.
15 An order of forfeiture shall also revoke any permit that may have
16 been issued for the wolf-dog cross under section 4 and order
17 payment of costs under subsection (4). The forfeiture is a civil
18 forfeiture.

19 (4) If a wolf-dog cross is seized, the owner of the wolf-dog
20 cross is liable for the costs of placement and care for the wolf-
21 dog cross from the time of seizure until the time of return or
22 forfeiture and, if a wolf-dog cross is ordered to be forfeited and
23 euthanized, for the costs of humanely euthanizing and disposing of
24 the wolf-dog cross. This subsection does not apply if the wolf-dog
25 cross is returned under subsection (1) or section 19.

26 Enacting section 1. This amendatory act does not take effect
27 unless Senate Bill No. _____ or House Bill No. 5560 (request no.

1 03796'13) of the 97th Legislature is enacted into law.