



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



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

Senate Bill 220 (as introduced 3-18-15)
Sponsor: Senator Steven Bieda
Committee: Judiciary

Date Completed: 5-1-15

CONTENT

The bill 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 do the following:

- **Specify that the fee for processing and completing a name-based criminal record check could not be charged if the check were requested by an animal control shelter or animal protection shelter conducting a background check for purposes of animal adoption.**
- **Require the MSP to report annually to the Legislature and the Department of Agriculture and Rural Development on the number of animal abuse offenses reported for inclusion in the MSP's criminal record database.**

The bill would take effect 90 days after its enactment.

Waiver of Fee

Public Act 120 of 1935 allows the MSP to charge a fee of \$10 for processing and completing a name-based criminal record check, except under the following circumstances:

- A fee for processing the record check is charged under any other law.
- The requester is a government agency or nonprofit charitable agency performing employment or volunteer employment name-based background checks through the Internet Criminal History Access Tool (ICHA).

Under the bill, the MSP also could not charge the fee if the requestor were an animal control shelter or animal protection shelter performing a name-based background check for purposes of animal adoption checks through ICHAT.

Annual Report

The bill would require the MSP 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. A copy of each report would have to be given to all of the following within 30 days after the calendar year in which the report was due:

- The Secretary of the Senate.
- The Clerk of the House of Representatives.
- The Director of the Department of Agriculture and Rural Development.

The bill 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.

MCL 28.273

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have a minimal fiscal impact on the Department of State Police. Any additional administrative cost incurred by the proposed ICHAT fee waiver would be assumed through existing Department resources. Producing and distributing an annual report of animal abuse-related charges and convictions would require minimal effort and expense. For 2013, estimated animal abuse charges numbered 194 and convictions numbered 148.

Fiscal Analyst: Bruce Baker

SAS\S1516\s220sa

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.