



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 496 (Substitute S-1)
Senate Bill 497 (as introduced 6-28-17)
Sponsor: Senator Curtis Hertel, Jr. (S.B. 496)
Senator Rick Jones (S.B. 497)
Committee: Judiciary

Date Completed: 5-24-18

CONTENT

Senate Bill 496 (S-1) would amend the Michigan Penal Code to do the following:

- **Prohibit a person who owned, possessed, or was in charge of an animal from leaving or confining an animal in an unattended motor vehicle under conditions that endangered the health or well-being of the animal.**
- **Prescribe criminal penalties for violations of the prohibition, including a felony penalty if a violation resulted in the death of the animal.**

Senate Bill 497 would amend the sentencing guidelines in the Code of Criminal Procedure to include the felony proposed by Senate Bill 496 (S-1) as a Class F crime against public order with a statutory maximum sentence of five years' imprisonment.

Senate Bill 497 is tie-barred to Senate Bill 496. Each bill would take effect 90 days after its enactment.

Senate Bill 496 (S-1) is discussed in greater detail below.

The Penal Code prohibits a person who owns, possesses, is in charge of, or has custody of an animal from failing to provide an animal with adequate care or engaging in certain activities with respect to an animal under his or her custody or care. The bill also would prohibit a person who owned, possessed, was in charge of, or had custody of an animal from leaving or confining an animal in an unattended motor vehicle under conditions that endangered the health or well-being of the animal including heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death of the animal.

A person who violated the prohibition would be guilty of a crime as follows:

- Except as provided below, a misdemeanor punishable by up to 45 days' imprisonment or a fine of up to \$350, or both.
- For a second or subsequent violation, except as provided below, a misdemeanor punishable by up to 90 days' imprisonment or a fine of up to \$500, or both.
- If the violation resulted in serious physical harm to the animal, a misdemeanor punishable by imprisonment for up to one year or a fine of up to \$1,000, or both.

-- If the violation resulted in the animal's death, a felony punishable by up to five years' imprisonment or a fine of up to \$5,000, or both.

MCL 750.50 (S.B. 496)
777.16b (S.B. 497)

Legislative Analyst: Jeff Mann

FISCAL IMPACT

Senate Bill 496

The bill would have a negative fiscal impact on State and local government. More misdemeanor and felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government is approximately \$3,764 per prisoner per year. Any associated increase in fine revenue increases funding to public libraries.

Senate Bill 497

The bill would have no fiscal impact on local government and an indeterminate fiscal impact on the State, in light of the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge*, in which the Court ruled that the sentencing guidelines are advisory for all cases. This means that the addition to the guidelines under the bill would not be compulsory for the sentencing judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction depends on judicial decisions.

Fiscal Analyst: Ryan Bergan

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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.