



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 710 (as reported without amendment)
Sponsor: Senator David Knezek
Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to do the following with respect to an animal that was trained or used for fighting and seized by a law enforcement officer:

- Require an animal control agency (a shelter or law enforcement agency) that took custody of the animal to notify its owner of the seizure within 72 hours.
- Allow the agency to dispose of the animal by adoption, transfer, or euthanasia after 14 days, if the owner or possessor of the animal had not posted a security deposit or bond.
- Establish a procedure for the person who owned or possessed the seized animal to post a security deposit or bond to prevent the disposition of the animal.
- Require the security deposit or bond to be in an amount sufficient to pay for the costs of the agency to house and care for the animal.
- Allow the agency to euthanize the animal, despite the payment of a security deposit or bond, in certain cases.
- Allow the partial return of a security deposit or bond, if the person who owned or possessed the animal were found not guilty in an animal fighting criminal action.
- Allow, instead of require, an animal control agency to apply to a court for a hearing to euthanize an animal.

The bill also would do the following:

- Prohibit a person from obtaining or permitting the use of, or being present at a vehicle or any other venue for the purpose of using an animal for fighting, baiting, or target shooting.
- Specify that a prohibition against breeding, buying, selling, exchanging, importing, or exporting an animal trained or used for fighting, or the offspring of such an animal, would not prohibit the adoption of an animal.
- Allow court-ordered costs assessed against a person convicted of animal fighting to include the cost of investigating the violation as well as the cost for disposition of the animal.
- Eliminate from certain offenses and penalties language referring to the first or second generation offspring of a dog trained or used for fighting.

MCL 750.49

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill could have a positive fiscal impact on the State and local government. It would make various prohibitions no longer applicable to the owner of the first or second generation offspring of a dog trained or used for fighting. The prohibitions also would not apply to an animal control agency or an individual who adopted a dog trained or used for fighting from an animal control agency as provided under the Code.

Fewer misdemeanor and felony arrests and convictions could reduce resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. The Code allows the court to order a person convicted of these violations to pay the costs of prosecution, which may limit the savings realized. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. For any decrease in prison intakes, in the short term, the marginal savings to State government is approximately \$3,764 per prisoner per year. Any associated decrease in fine revenue would reduce funding to public libraries.

The bill would impose additional responsibilities on an animal control agency taking custody of an animal that was involved in a violation. The additional costs of these requirements would vary by jurisdiction, although the court is currently allowed to assess the costs against the owner of the animal, under certain circumstances, for expenses incurred in connection with the housing, care, upkeep, or euthanasia of the animal. The bill also would allow the court to order a person convicted of these violations to pay the costs of investigating the violation and the costs of disposition of the animal, including transfer, euthanasia, or adoption of the animal.

Date Completed: 3-8-18

Fiscal Analyst: Ryan Bergan