

HOUSE BILL No. 6301

September 5, 2018, Introduced by Rep. LaFave and referred to the Committee on Local Government.

A bill to amend 1919 PA 339, entitled "Dog law of 1919," by amending the title and sections 1, 2, 4, 10b, 19, 26a, 26b, and 27 (MCL 287.261, 287.262, 287.264, 287.270b, 287.279, 287.286a, 287.286b, and 287.287), section 1 as amended by 1996 PA 63; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act relating to dogs and the protection of ~~live stock~~ **LIVESTOCK** and poultry from damage by dogs; ~~providing for the licensing of dogs; regulating~~ **TO REGULATE** the keeping of dogs, and ~~authorizing~~ **AUTHORIZE** their destruction in certain cases; ~~providing~~ **TO PROVIDE** for the determination and payment of damages done by dogs to ~~live stock~~ **LIVESTOCK** and poultry; ~~imposing~~ **TO PROVIDE FOR** ~~THE~~ powers and duties ~~en~~ **OF** certain state, county, city, and

1 township officers and ~~employes, and~~ **EMPLOYEES**; to ~~repeal Act No.~~
2 ~~347 of the Public Acts of 1917, and providing~~ **PROVIDE** penalties for
3 the violation of this act; **AND TO REPEAL ACTS AND PARTS OF ACTS.**

4 Sec. 1. (1) This act shall be known and may be cited as the
5 "dog law of 1919".

6 (2) ~~For the purpose of~~ **AS USED IN** this act:

7 (a) "Livestock" means horses, stallions, colts, geldings,
8 mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows,
9 calves, mules, jacks, jennets, burros, goats, kids and swine, and
10 fur-bearing animals being raised in captivity.

11 (b) "Poultry" means all domestic fowl, ornamental birds, and
12 game birds possessed or being reared under authority of a breeder's
13 license pursuant to part 427 ~~(breeders and dealers)~~ of the natural
14 resources and environmental protection act, ~~Act No. 451 of the~~
15 ~~Public Acts of 1994~~ **PA 451**, being sections ~~MCL~~ 324.42701 to
16 324.42714. ~~of the Michigan Compiled Laws.~~

17 (c) "Owner" when applied to the proprietorship of a dog means
18 every person having a right of property in the dog, and every
19 person who keeps or harbors the dog or has it in his **OR HER** care,
20 and every person who permits the dog to remain on or about any
21 premises occupied by him **OR HER**.

22 ~~— (d) "Kennel" means any establishment wherein or whereon dogs~~
23 ~~are kept for the purpose of breeding, sale, or sporting purposes.~~

24 **(D)** ~~(e)~~—"Law enforcement officer" means any person employed or
25 elected by the people of the state, or by any municipality, county,
26 or township, whose duty it is to preserve peace or to make arrests
27 or to enforce the law, and includes conservation officers and

1 members of the state police.

2 (E) ~~(f)~~—"Hunting" means allowing a dog to range freely within
3 sight or sound of its owner while in the course of hunting legal
4 game or an unprotected animal.

5 (F) **"SERVICE ANIMAL" MEANS THAT TERM AS DEFINED IN 28 CFR**
6 **36.104.**

7 Sec. 2. ~~It shall be unlawful for any person to own any dog 6~~
8 ~~months old or over, unless the dog is licensed as hereinafter~~
9 ~~provided, or to own any dog 6 months old or over that does not at~~
10 ~~all times wear a collar with a tag approved by the director of~~
11 ~~agriculture, attached as hereinafter provided, except when engaged~~
12 ~~in lawful hunting accompanied by its owner or custodian; or for any~~
13 ~~owner of any female dog to permit the female dog to go beyond the~~
14 ~~premises of such owner when she is in heat, unless the female dog~~
15 ~~is held properly in leash; or for any person except the owner or~~
16 ~~authorized agent, to remove any license tag from a dog; or for any~~
17 **AN** owner ~~to allow any~~ **OF A DOG MUST NOT ALLOW THE** dog, except
18 working dogs such as leader dogs, guard dogs, farm dogs, hunting
19 dogs, and other such dogs, when accompanied by their owner or his
20 **OR HER** authorized agent, while actively engaged in activities for
21 which ~~such~~ **THE WORKING** dogs are trained, to stray unless held
22 properly in leash.

23 Sec. 4. ~~The state livestock sanitary commission shall have the~~
24 ~~general supervision over the licensing and regulation of dogs and~~
25 ~~the protection of livestock and poultry from dogs, and may employ~~
26 ~~all proper means for the enforcement of this act and all police~~
27 ~~officers of the state, county, municipality or township shall be at~~

1 ~~its disposal for that purpose.~~ An animal control officer or a law
2 enforcement officer of ~~the~~ **THIS** state shall issue a citation,
3 summons, or appearance ticket for a violation of this act.

4 Sec. 10b. ~~Any~~ **A** city, township, or village having in its
5 employment a full-time animal control officer may adopt an
6 ordinance providing for the issuance of kennel licenses by the
7 animal control officer. ~~on the same terms, conditions and fees as~~
8 ~~is provided in section 10. Upon the adoption of the ordinance the~~
9 ~~city, township or village shall be excepted from the provisions of~~
10 ~~sections 10 and 11 of this act.~~

11 Sec. 19. ~~Any~~ **A** person, including a law enforcement officer,
12 may kill ~~any~~ **A** dog ~~which~~ **THAT IS NOT A SERVICE ANIMAL IF** he **OR SHE**
13 sees **THAT DOG** in the act of pursuing, worrying, or wounding any
14 livestock or poultry, or **ANY DOG THAT HE OR SHE SEES IN THE ACT OF**
15 attacking persons, ~~and there shall be no liability on such~~ **A**
16 **PERSON. A person WHO KILLS A DOG PURSUANT TO THIS SECTION IS NOT**
17 **LIABLE** ~~in damages or otherwise,~~ for such killing. ~~Any~~ **THE ENTRY OF**
18 **A** dog that ~~enters any~~ **UNACCOMPANIED BY THE OWNER OR THE OWNER'S**
19 **AGENT ONTO A** field or enclosure ~~which~~ **THAT** is owned by or leased by
20 a person producing livestock or poultry ~~outside of a city~~ ~~and~~
21 ~~unaccompanied by his owner or his owner's agent,~~ shall constitute
22 **IS** a trespass, and the owner ~~shall be~~ **IS** liable ~~in~~ **FOR** damages.
23 ~~Except as provided in this section, it shall be unlawful for any~~
24 ~~person, other than a law enforcement officer, to kill or injure or~~
25 ~~attempt to kill or injure any dog which bears a license tag for the~~
26 ~~current year.~~

27 Sec. 26a. (1) A district court ~~magistrate or the district or~~

1 ~~common pleas court~~ shall issue a summons similar to the summons
2 ~~provided for~~ **DESCRIBED** in section 20 **FOR THE DOG OWNER** to show
3 cause why a dog should not be killed, upon a sworn complaint that
4 any of the following exist:

5 ~~— (a) After January 10 and before June 15 in each year a dog~~
6 ~~ever 6 months old is running at large unaccompanied by its owner or~~
7 ~~is engaged in lawful hunting and is not under the reasonable~~
8 ~~control of its owner without a license attached to the collar of~~
9 ~~the dog.~~

10 **(A)** ~~(b) A~~ **THE** dog, ~~licensed or unlicensed,~~ has destroyed
11 property or habitually causes damage by trespassing on the property
12 of a person who is not the owner.

13 **(B)** ~~(c) A~~ **THE** dog, ~~licensed or unlicensed,~~ has attacked or
14 bitten a person.

15 **(C)** ~~(d) A~~ **THE** dog has shown vicious habits or has molested a
16 person when lawfully on the public highway.

17 ~~— (e) A dog duly licensed and wearing a license tag has run at~~
18 ~~large contrary to this act.~~

19 (2) After a hearing ~~the district court magistrate or the~~
20 ~~district or common pleas~~ **HELD PURSUANT TO SUBSECTION (1), THE** court
21 may either order the dog killed, or confined to the premises of the
22 owner. If the owner disobeys this order the owner may be punished
23 under section 26. Costs as in a civil case ~~shall~~ **MUST** be taxed
24 against the owner of the dog, and collected by the county. The
25 county board of commissioners shall audit and pay claims for
26 services of officers rendered pursuant to this section, unless the
27 claims are paid by the owner of the dog.

1 Sec. 26b. ~~(1) Any~~ **A** person who shall **NOT** steal, or confine and
 2 secrete ~~any~~ **A** dog licensed under this act or kept under a kennel
 3 license, unless legally authorized to do so, or unless such
 4 confining ~~be~~ **IS** justifiable ~~in~~ **FOR** the protection of **A** person,
 5 property, or game. ~~, shall be~~

6 **(2) A PERSON WHO VIOLATES THIS SECTION IS** guilty of a
 7 misdemeanor ~~, and upon conviction thereof shall be subject to a~~
 8 ~~fine of not less than \$50.00 nor more than \$100.00, or~~ **PUNISHABLE**
 9 **BY** imprisonment ~~in the county jail for not less than 60 nor~~ **DAYS OR**
 10 more than 90 days ~~, or~~ **A FINE OF NOT MORE THAN \$100.00, OR** both. ~~in~~
 11 ~~the discretion of the court.~~

12 Sec. 27. ~~Nothing in this~~ **THIS** act shall be construed to ~~DOES~~
 13 **NOT** prevent the owner of a licensed dog from recovery, by action at
 14 law, from ~~any~~ **A** police officer or other person, the value of ~~any~~ **A**
 15 dog illegally killed by such police officer or other person.

16 Enacting section 1. Sections 5, 6, 7, 8, 9, 9a, 10, 11, 12,
 17 13, 14, 14a, 15, 16, 17, and 29 of the dog law of 1919, 1919 PA
 18 339, MCL 287.265, 287.266, 287.267, 287.268, 287.269, 287.269a,
 19 287.270, 287.271, 287.272, 287.273, 287.274, 287.274a, 287.275,
 20 287.276, 287.277, and 287.289, are repealed.

21 Enacting section 2. This amendatory act takes effect 90 days
 22 after the date it is enacted into law.

23 Enacting section 3. This amendatory act does not take effect
 24 unless all of the following bills of the 99th Legislature are
 25 enacted into law:

26 (a) Senate Bill No. ____ or House Bill No. 6297 (request no.
 27 01879'17 a).

1 (b) Senate Bill No. _____ or House Bill No. 6298 (request no.
2 01879'17 b).