

# SENATE BILL No. 709

December 5, 2017, Introduced by Senators SCHMIDT, KNEZEK and ROBERTSON and referred to the Committee on Judiciary.

A bill to amend 1988 PA 426, entitled

"An act to regulate dangerous animals; to provide for the confinement, tattooing, or destruction of dangerous animals; and to provide penalties for the owners or keepers of dangerous animals that attack human beings,"

by amending the title and sections 1, 2, and 3 (MCL 287.321, 287.322, and 287.323) and by adding sections 4, 5, 6, 7, and 8.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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TITLE

An act to regulate dangerous animals **AND VICIOUS DOGS**; to provide for the confinement, ~~tattooing,~~ **TRACKING**, or destruction of dangerous animals **AND VICIOUS DOGS**; and to provide penalties for the owners ~~or keepers~~ of dangerous animals ~~that attack human beings.~~ **AND VICIOUS DOGS IN CERTAIN SITUATIONS.**

Sec. 1. As used in this act:

1 (A) "ANIMAL CONTROL DEPARTMENT" MEANS AN ANIMAL CONTROL  
 2 SHELTER AS THAT TERM IS DEFINED IN SECTION 1 OF 1969 PA 287, MCL  
 3 287.331.

4 (B) "BITE" MEANS TO SEIZE WITH TEETH OR JAWS SO THAT THE  
 5 INDIVIDUAL OR ANIMAL SEIZED IS WOUNDED OR PIERCED. BITE INCLUDES AN  
 6 ACT THAT RESULTS IN THE CONTACT OF SALIVA WITH ANY BREAK OR  
 7 ABRASION OF THE SKIN.

8 (C) "COMPANION ANIMAL" MEANS AN ANIMAL THAT IS COMMONLY  
 9 CONSIDERED TO BE, OR IS CONSIDERED BY THE OWNER TO BE, A PET.  
 10 COMPANION ANIMAL INCLUDES, BUT IS NOT LIMITED TO, DOGS, CATS, AND  
 11 EQUINES.

12 (D) "DANGEROUS DOG" MEANS 1 OR MORE OF THE FOLLOWING:

13 (i) A DOG THAT BEHAVES IN A MANNER THAT A REASONABLE  
 14 INDIVIDUAL WOULD BELIEVE POSES A SERIOUS AND UNJUSTIFIED IMMINENT  
 15 THREAT OF SERIOUS PHYSICAL INJURY TO OR THE DEATH OF AN INDIVIDUAL,  
 16 A COMPANION ANIMAL, OR LIVESTOCK WHILE ON PROPERTY THAT IS NOT THE  
 17 PROPERTY OF THE DOG'S OWNER. A DOG IS NOT A DANGEROUS DOG IF IT IS  
 18 MUZZLED, ON A LEASH, OR ATTENDED BY THE DOG'S OWNER.

19 (ii) A DOG THAT, WITHOUT JUSTIFICATION, BITES AN INDIVIDUAL  
 20 AND DOES NOT CAUSE SERIOUS PHYSICAL INJURY TO THAT INDIVIDUAL.

21 (E) ~~(a)~~ "Dangerous animal" means ~~a dog or other~~ AN animal  
 22 OTHER THAN A DOG that, WITHOUT JUSTIFICATION, bites or attacks a  
 23 person, ~~or a dog that bites or attacks and causes serious injury or~~  
 24 ~~death to another dog while the other dog is on the property or~~  
 25 ~~under the control of its owner.~~ AN INDIVIDUAL. However, a dangerous  
 26 animal does not include ~~any of the following~~ LIVESTOCK.

27 ~~(i) An animal that bites or attacks a person who is knowingly~~

1 ~~trespassing on the property of the animal's owner.~~

2 ~~—— (ii) An animal that bites or attacks a person who provokes or~~  
 3 ~~torments the animal.~~

4 ~~—— (iii) An animal that is responding in a manner that an~~  
 5 ~~ordinary and reasonable person would conclude was designed to~~  
 6 ~~protect a person if that person is engaged in a lawful activity or~~  
 7 ~~is the subject of an assault.~~

8 ~~—— (iv) Livestock.~~

9 (F) "DOG" MEANS AN ANIMAL OF THE SUBSPECIES CANIS LUPUS  
 10 FAMILIARIS.

11 (G) "DOMESTIC ANIMAL" MEANS A DOG, CAT, POULTRY, LIVESTOCK, OR  
 12 ANY OTHER ANIMAL THAT IS KEPT, BRED, BOUGHT, SOLD, OR CONSIDERED BY  
 13 THE OWNER TO BE A PET.

14 (H) "ENCLOSURE" MEANS A SECURED FENCE OR STRUCTURE THAT HAS  
 15 SIDES OF AT LEAST 6 FEET IN HEIGHT, A TOP, AND A BOTTOM, AND IS  
 16 SUITABLE TO PREVENT THE ENTRY OF YOUNG CHILDREN AND THE ESCAPE OF  
 17 THE ANIMAL. AN ENCLOSURE MAY BE A ROOM WITHIN A RESIDENCE. AN OWNER  
 18 MAY TETHER AN ANIMAL IN CONJUNCTION WITH THE ENCLOSURE.

19 (I) "IMPOUNDED" MEANS TAKEN INTO THE CUSTODY OF THE ANIMAL  
 20 CONTROL DEPARTMENT WHERE THE DOG OR ANIMAL WAS FOUND.

21 (J) "JUSTIFICATION" OR "JUSTIFIED" MEANS THE BITE OR ATTACK  
 22 OCCURRED IN 1 OR MORE OF THE FOLLOWING CIRCUMSTANCES:

23 (i) AN ANIMAL BITES OR ATTACKS AN INDIVIDUAL WHO IS KNOWINGLY  
 24 TRESPASSING ON THE PROPERTY OF THE ANIMAL'S OWNER.

25 (ii) AN ANIMAL BITES OR ATTACKS AN INDIVIDUAL WHO PROVOKES OR  
 26 TORMENTS THE ANIMAL OR ITS OFFSPRING.

27 (iii) AN ANIMAL'S BITE OR ATTACK IS A RESPONSE THAT AN

1 ORDINARY AND REASONABLE PERSON WOULD CONCLUDE WAS DESIGNED TO  
2 PROTECT AN INDIVIDUAL IF THAT INDIVIDUAL IS ENGAGED IN A LAWFUL  
3 ACTIVITY OR IS THE SUBJECT OF AN ASSAULT.

4 (iv) A DOG IS OWNED BY A BRANCH OF THE UNITED STATES ARMED  
5 FORCES, A CORRECTIONAL FACILITY, OR A POLICE DEPARTMENT, AND THE  
6 DOG WAS PERFORMING ITS DUTIES AS EXPECTED.

7 (v) A DOG IS WORKING AS A HUNTING DOG, HERDING DOG, OR  
8 PREDATOR CONTROL DOG ON THE OWNER'S REAL PROPERTY OR UNDER THE  
9 CONTROL OF ITS OWNER, AND THE INJURY OR DAMAGE WAS TO A SPECIES OR  
10 TYPE OF DOMESTIC ANIMAL THAT IS APPROPRIATE TO THE WORK OF THE DOG.

11 (K) ~~(b)~~ "Livestock" means animals used for human food and  
12 fiber or animals used for service to human beings. Livestock  
13 includes, but is not limited to, cattle, swine, sheep, llamas,  
14 goats, bison, equine, poultry, and rabbits. Livestock does not  
15 include **COMPANION** animals. ~~that are human companions, such as dogs~~  
16 ~~and cats.~~

17 (l) ~~(e)~~ "Owner" means a person who owns or harbors a dog or  
18 other animal.

19 (M) "PHYSICAL INJURY" MEANS THE IMPAIRMENT OF A PHYSICAL  
20 CONDITION.

21 (N) ~~(d)~~ "Provoke" means to perform a willful act or omission  
22 that an ordinary and reasonable person would conclude is likely to  
23 precipitate the bite or attack by an ordinary dog or animal.

24 (O) ~~(e)~~ "Serious **PHYSICAL** injury" means permanent, serious  
25 disfigurement, serious impairment of health **THAT CREATES A**  
26 **SUBSTANTIAL RISK OF DEATH OR CAUSES DEATH**, or serious impairment of  
27 a bodily function of ~~a person.~~ **AN INDIVIDUAL.**

1           (P) ~~(F)~~—"Torment" means an act or omission that causes  
2 unjustifiable pain, suffering, and distress to an animal, or causes  
3 mental and emotional anguish in the animal as evidenced by its  
4 altered behavior, for a purpose such as sadistic pleasure,  
5 coercion, or punishment that an ordinary and reasonable person  
6 would conclude is likely to precipitate the bite or attack.

7           (Q) "VICIOUS DOG" MEANS A DOG THAT, WITHOUT JUSTIFICATION,  
8 ATTACKS AN INDIVIDUAL AND CAUSES SERIOUS PHYSICAL INJURY TO OR THE  
9 DEATH OF THAT INDIVIDUAL, OR ATTACKS AND CAUSES THE DEATH OF  
10 ANOTHER DOG.

11           Sec. 2. (1) Upon a sworn complaint BY AN ANIMAL CONTROL  
12 OFFICER, A LAW ENFORCEMENT OFFICER, OR AN ADULT INDIVIDUAL, WITH  
13 PERSONAL KNOWLEDGE OF AN INCIDENT, that ~~an animal~~ A DOG is a  
14 ~~dangerous animal~~ VICIOUS DOG and the ~~animal~~ DOG has caused serious  
15 PHYSICAL injury TO or THE death ~~to a person or has caused serious~~  
16 ~~injury or death to a dog,~~ OF AN INDIVIDUAL, OR HAS CAUSED THE DEATH  
17 OF ANOTHER DOG, a district court, ~~magistrate, district court,~~ or a  
18 municipal court shall ~~shall~~ MAY issue a summons to the owner ordering him  
19 or her to appear to show cause why the ~~animal~~ DOG should not be  
20 ~~destroyed.~~ FOUND TO BE A VICIOUS DOG. IF A COMPLAINT IS MADE UNDER  
21 THIS SUBSECTION, THE ANIMAL CONTROL OFFICER OR LAW ENFORCEMENT  
22 OFFICER MUST GIVE NOTICE OF THE CONDUCT THAT IS THE BASIS OF THE  
23 COMPLAINT TO THE OWNER, CONDUCT A THOROUGH INVESTIGATION, INTERVIEW  
24 THE DOG OWNER AND WITNESSES, GATHER MEDICAL AND VETERINARY RECORDS,  
25 AND SUBMIT TO THE COURT A DETAILED REPORT WITH THE SWORN COMPLAINT.  
26 THE ANIMAL CONTROL DEPARTMENT SHALL DETERMINE WHERE THE DOG WILL BE  
27 CONFINED DURING THE PENDENCY OF THE CASE.

1 ~~—— (2) Upon the filing of a sworn complaint as provided in~~  
2 ~~subsection (1), the court or magistrate shall order the owner to~~  
3 ~~immediately turn the animal over to a proper animal control~~  
4 ~~authority, an incorporated humane society, a licensed veterinarian,~~  
5 ~~or a boarding kennel, at the owner's option, to be retained by them~~  
6 ~~until a hearing is held and a decision is made for the disposition~~  
7 ~~of the animal. The owner shall notify the person who retains the~~  
8 ~~animal under this section of the complaint and order. The expense~~  
9 ~~of the boarding and retention of the animal is to be borne by the~~  
10 ~~owner. The animal shall not be returned to the owner until it has a~~  
11 ~~current rabies vaccination and a license as required by law.~~

12           (2) THE ANIMAL CONTROL OFFICER, LAW ENFORCEMENT OFFICER, OR  
13 ADULT INDIVIDUAL WHO FILED THE COMPLAINT UNDER SUBSECTION (1) HAS  
14 THE BURDEN OF PROVING BY CLEAR AND CONVINCING EVIDENCE THAT THE DOG  
15 IS A VICIOUS DOG. THE COURT MAY CONSIDER THE OPINION OF A BOARD  
16 CERTIFIED VETERINARY BEHAVIORIST OR ANOTHER EXPERT IN DETERMINING  
17 IF A DOG'S BEHAVIOR WAS JUSTIFIED AND MUST NOT FIND THAT A DOG IS A  
18 VICIOUS DOG IF THE COURT FINDS THE CONDUCT OF A DOG WAS JUSTIFIED.  
19 IF THE COURT FINDS THE EVIDENCE ESTABLISHES TO A CLEAR AND  
20 CONVINCING LEVEL THAT A DOG IS A VICIOUS DOG AND THE CONDUCT OF THE  
21 DOG WAS NOT JUSTIFIED, THE COURT SHALL DECLARE THE DOG TO BE A  
22 VICIOUS DOG.

23           (3) After a hearing, ~~the magistrate or~~ **IF THE** court shall  
24 ~~order the destruction of the animal, at the expense of the owner,~~  
25 ~~if the animal is found to be a dangerous animal that caused serious~~  
26 ~~injury or death to a person or a dog. After a hearing, the court~~  
27 ~~may order the destruction of the animal, at the expense of the~~

1 ~~owner, if the court finds that the animal is a dangerous animal~~  
2 ~~that did not cause serious injury or death to a person but is~~  
3 ~~likely in the future to cause serious injury or death to a person~~  
4 ~~or in the past has been adjudicated a dangerous animal.~~ FINDS THAT  
5 THE DOG IS A VICIOUS DOG, THE COURT MAY ORDER THAT THE DOG BE  
6 EUTHANIZED. IF THE VICIOUS DOG IS NOT EUTHANIZED, THE OWNER SHALL  
7 COMPLY WITH ALL OF THE FOLLOWING REQUIREMENTS:

8 (A) IMPLANT THE VICIOUS DOG WITH A MICROCHIP, IF THE DOG IS  
9 NOT ALREADY IMPLANTED WITH ONE, AND PROVIDE THE MICROCHIP NUMBER TO  
10 THE ANIMAL CONTROL DEPARTMENT.

11 (B) WITHIN 15 DAYS OF THE COURT'S DECISION FINDING THE DOG TO  
12 BE A VICIOUS DOG, HAVE THE VICIOUS DOG SPAYED OR NEUTERED AT THE  
13 OWNER'S EXPENSE IF THE VICIOUS DOG IS NOT ALREADY SPAYED OR  
14 NEUTERED.

15 (C) MAINTAIN THE VICIOUS DOG IN AN ENCLOSURE APPROVED BY THE  
16 ANIMAL CONTROL DEPARTMENT PRIOR TO THE VICIOUS DOG'S RELEASE TO ITS  
17 OWNER AT ALL TIMES EXCEPT AS FOLLOWS:

18 (i) IF IT IS NECESSARY FOR THE OWNER TO OBTAIN VETERINARY CARE  
19 FOR THE VICIOUS DOG.

20 (ii) IF AN EMERGENCY OR NATURAL DISASTER THREATENS THE VICIOUS  
21 DOG'S LIFE.

22 (iii) TO COMPLY WITH AN ORDER OF A COURT OF COMPETENT  
23 JURISDICTION, PROVIDED THAT THE DOG IS SECURELY MUZZLED AND  
24 RESTRAINED WITH A LEASH NOT EXCEEDING 6 FEET IN LENGTH, IS UNDER  
25 THE DIRECT CONTROL AND SUPERVISION OF THE OWNER, OR IS MUZZLED IN  
26 ITS OWNER'S RESIDENCE.

27 (D) SUBJECT TO THIS SUBDIVISION, MAINTAIN OWNERSHIP OF THE

1 VICIOUS DOG. AN OWNER OF A VICIOUS DOG SHALL NOT SELL OR GIVE AWAY  
2 A VICIOUS DOG WITHOUT OBTAINING AN ORDER OF A COURT APPROVING THE  
3 TRANSFER OF OWNERSHIP.

4 (E) PROVIDE A CURRENT ADDRESS TO THE ANIMAL CONTROL  
5 DEPARTMENT. WHENEVER AN OWNER OF A VICIOUS DOG RELOCATES, HE OR SHE  
6 SHALL NOTIFY THE ANIMAL CONTROL DEPARTMENT WHERE HE OR SHE HAS  
7 RELOCATED AND THE ANIMAL CONTROL DEPARTMENT WHERE HE OR SHE  
8 FORMERLY RESIDED OF THE RELOCATION.

9 ~~—— (4) If the court or magistrate finds that an animal is a  
10 dangerous animal but has not caused serious injury or death to a  
11 person, the court or magistrate shall notify the animal control  
12 authority for the county in which the complaint was filed of the  
13 finding of the court, the name of the owner of the dangerous  
14 animal, and the address at which the animal was kept at the time of  
15 the finding of the court. In addition, the court or magistrate  
16 shall order the owner of that animal to do 1 or more of the  
17 following:~~

18 ~~—— (a) If the animal that has been found to be a dangerous animal  
19 is of the canis familiaris species, have an identification number  
20 tattooed upon the animal, at the owner's expense, by or under the  
21 supervision of a licensed veterinarian. The identification number  
22 shall be assigned to the animal by the Michigan department of  
23 agriculture and shall be noted in its records pursuant to Act No.  
24 309 of the Public Acts of 1939, being sections 287.301 to 287.308  
25 of the Michigan Compiled Laws. The identification number shall be  
26 tattooed on the upper inner left rear thigh of the animal by means  
27 of indelible or permanent ink.~~



1 ~~—— (b) Take specific steps, such as escape proof fencing or~~  
2 ~~enclosure, including a top or roof, to ensure that the animal~~  
3 ~~cannot escape or nonauthorized individuals cannot enter the~~  
4 ~~premises.~~

5 ~~—— (c) Have the animal sterilized.~~

6 ~~—— (d) Obtain and maintain liability insurance coverage~~  
7 ~~sufficient to protect the public from any damage or harm caused by~~  
8 ~~the animal.~~

9 ~~—— (e) Take any other action appropriate to protect the public.~~

10 (4) IF AN OWNER OF A VICIOUS DOG FAILS TO COMPLY WITH  
11 SUBSECTION (3), THE ANIMAL CONTROL DEPARTMENT SHALL IMPOUND THE  
12 VICIOUS DOG, AND THE OWNER OF THE VICIOUS DOG SHALL PAY A \$500.00  
13 FINE PLUS THE IMPOUNDMENT FEES TO THE ANIMAL CONTROL DEPARTMENT  
14 IMPOUNDING THE DOG.

15 (5) THE OWNER OF A VICIOUS DOG IMPOUNDED UNDER SUBSECTION (4)  
16 MAY APPEAL THE IMPOUNDMENT. IF THE IMPOUNDMENT ORDERED UNDER  
17 SUBSECTION (4) IS NOT APPEALED WITHIN 21 DAYS, THE COURT MAY ORDER  
18 THE VICIOUS DOG TO BE EUTHANIZED. UPON FILING A NOTICE OF APPEAL,  
19 THE ORDER OF EUTHANASIA IS AUTOMATICALLY STAYED PENDING THE OUTCOME  
20 OF THE APPEAL. THE OWNER SHALL BEAR THE BURDEN OF TIMELY WRITTEN  
21 NOTIFICATION TO THE ANIMAL CONTROL DEPARTMENT.

22 (6) AN ANIMAL CONTROL DEPARTMENT SHALL MAINTAIN A LIST OF  
23 VICIOUS DOGS WITHIN ITS JURISDICTION.

24 (7) IF THE ANIMAL CONTROL DEPARTMENT HAS CUSTODY OF THE DOG,  
25 THE ANIMAL CONTROL DEPARTMENT MAY FILE A PETITION WITH THE COURT  
26 REQUESTING AN ORDER THAT THE OWNER POST SECURITY FOR THE DOG. THE  
27 SECURITY MUST BE SUFFICIENT TO SECURE PAYMENT OF ALL REASONABLE

1 EXPENSES EXPECTED TO BE INCURRED BY THE ANIMAL CONTROL DEPARTMENT  
2 OR ANIMAL SHELTER IN CARING FOR AND PROVIDING FOR THE DOG PENDING  
3 THE DETERMINATION. REASONABLE EXPENSES INCLUDE, BUT ARE NOT LIMITED  
4 TO, THE ESTIMATED MEDICAL CARE AND BOARDING OF THE ANIMAL FOR 30  
5 DAYS. IF SECURITY HAS BEEN POSTED IN ACCORDANCE WITH THIS  
6 SUBSECTION, THE ANIMAL CONTROL DEPARTMENT MAY DRAW FUNDS TO COVER  
7 THE ACTUAL COSTS INCURRED BY THE ANIMAL CONTROL DEPARTMENT OR  
8 ANIMAL SHELTER CARING FOR THE DOG. UPON RECEIPT OF A PETITION FILED  
9 BY THE ANIMAL CONTROL DEPARTMENT, THE COURT MUST SCHEDULE A HEARING  
10 ON THE PETITION, TO BE CONDUCTED WITHIN 5 BUSINESS DAYS AFTER THE  
11 PETITION IS FILED. THE PETITIONER MUST SERVE THE OWNER OF THE DOG A  
12 TRUE COPY OF THE PETITION.

13 (8) IF THE COURT ORDERS THE POSTING OF SECURITY UNDER  
14 SUBSECTION (7), THE SECURITY MUST BE POSTED WITH THE CLERK OF THE  
15 COURT WITHIN 5 BUSINESS DAYS AFTER THE CONCLUSION OF THE HEARING.  
16 IF THE OWNER ORDERED TO POST SECURITY DOES NOT DO SO, THE DOG IS  
17 FORFEITED BY OPERATION OF LAW AND THE ANIMAL CONTROL DEPARTMENT  
18 MUST TRANSFER THE DOG THROUGH ADOPTION OR ANOTHER MEASURE, OR  
19 ENSURE THAT THE DOG IS HUMANELY EUTHANIZED.

20 Sec. 3. (1) ~~The owner of an animal that meets the definition~~  
21 ~~of a dangerous animal in section 1(a) that causes the death of a~~ A  
22 person WHO VIOLATES SECTION 4(4) is guilty of involuntary  
23 manslaughter, ~~punishable under section 321 of the Michigan penal~~  
24 ~~code, Act No. 328 of the Public Acts of 1931, being section 750.321~~  
25 ~~of the Michigan Compiled Laws.~~ A MISDEMEANOR PUNISHABLE BY 1 OR MORE  
26 OF THE FOLLOWING:

27 (A) IMPRISONMENT FOR NOT MORE THAN 90 DAYS.

1 (B) A FINE OF NOT LESS THAN \$1,000.00.

2 (C) NOT LESS THAN 100 HOURS OF COMMUNITY SERVICE.

3 ~~(2) If an animal that meets the definition of a dangerous~~  
4 ~~animal in section 1(a) attacks a~~ A person and causes serious injury  
5 ~~other than death, the owner of the animal~~ WHO VIOLATES SECTION 2(3)  
6 is guilty of a felony, ~~punishable by imprisonment~~ 1 OR MORE OF THE  
7 FOLLOWING:

8 (A) IMPRISONMENT for not more than 4 years. ~~, a~~

9 (B) A fine of not less than \$2,000.00. ~~, or community service~~  
10 work for not

11 (C) NOT less than 500 hours ~~, or any combination of these~~  
12 penalties. OF COMMUNITY SERVICE.

13 ~~—— (3) If an animal previously adjudicated to be a dangerous~~  
14 ~~animal attacks or bites a person and causes an injury that is not a~~  
15 ~~serious injury, the owner of the animal is guilty of a misdemeanor,~~  
16 ~~punishable by imprisonment for not more than 90 days, a fine of not~~  
17 ~~less than \$250.00 nor more than \$500.00, or community service work~~  
18 ~~for not less than 240 hours, or any combination of these penalties.~~

19 ~~—— (4) If the owner of an animal that is previously adjudicated~~  
20 ~~to be a dangerous animal allows the animal to run at large, the~~  
21 ~~owner is guilty of a misdemeanor, punishable by imprisonment for~~  
22 ~~not more than 90 days, a fine of not less than \$250.00 nor more~~  
23 ~~than \$500.00, or community service work for not less than 240~~  
24 ~~hours, or any combination of these penalties.~~

25 ~~—— (5) The court may order a person convicted under this section~~  
26 ~~to pay the costs of the prosecution.~~

27 SEC. 4. (1) WITHIN 10 BUSINESS DAYS OF THE ANIMAL CONTROL

1 DEPARTMENT RECEIVING NOTICE OF AN ALLEGED INFRACTION AND AFTER A  
2 THOROUGH INVESTIGATION, THE ANIMAL CONTROL DEPARTMENT SHALL SEND  
3 NOTICE TO THE OWNER OF THE DOG OF THE ALLEGED INFRACTIONS AND THE  
4 INVESTIGATION, AND ALLOW THE OWNER OF THE DOG AN OPPORTUNITY TO  
5 MEET WITH THE DIRECTOR OF THE ANIMAL CONTROL DEPARTMENT.

6 (2) AFTER THE MEETING DESCRIBED IN SUBSECTION (1), OR AFTER A  
7 MEETING DESCRIBED IN SUBSECTION (1) IS REFUSED, THE ANIMAL CONTROL  
8 DEPARTMENT MAY CONTINUE THE INVESTIGATION. IF THE ANIMAL CONTROL  
9 DEPARTMENT CONTINUES THE INVESTIGATION, THE ANIMAL CONTROL  
10 DEPARTMENT SHALL GATHER MEDICAL EVIDENCE, INTERVIEW WITNESSES, AND  
11 CREATE A DETAILED REPORT BEFORE THE ANIMAL CONTROL DEPARTMENT FILES  
12 A SWORN COMPLAINT WITH THE DISTRICT COURT OR MUNICIPAL COURT  
13 REQUESTING THAT THE COURT FIND THE DOG TO BE A DANGEROUS DOG.

14 (3) UPON THE FILING OF A COMPLAINT UNDER SUBSECTION (2), THE  
15 COURT SHALL CONDUCT A HEARING AND SHALL NOT FIND A DOG TO BE A  
16 DANGEROUS DOG UNLESS A PREPONDERANCE OF THE EVIDENCE ESTABLISHES  
17 THAT THE DOG IS A DANGEROUS DOG. IF THE COURT FINDS THAT THE  
18 CONDUCT OF THE DOG WAS JUSTIFIED, THE COURT SHALL NOT FIND THAT THE  
19 DOG IS A DANGEROUS DOG.

20 (4) AFTER A HEARING UNDER SUBSECTION (3), IF THE COURT FINDS  
21 THE DOG IS A DANGEROUS DOG, THE OWNER SHALL COMPLY WITH ALL OF THE  
22 FOLLOWING REQUIREMENTS:

23 (A) IMPLANT THE DANGEROUS DOG WITH A MICROCHIP, IF THE DOG IS  
24 NOT ALREADY IMPLANTED WITH ONE.

25 (B) WITHIN 15 DAYS OF THE COURT'S DECISION FINDING THE DOG TO  
26 BE A DANGEROUS DOG, HAVE THE DANGEROUS DOG SPAYED OR NEUTERED AT  
27 THE OWNER'S EXPENSE IF THE DANGEROUS DOG IS NOT ALREADY SPAYED OR

1 NEUTERED.

2 (C) IF THE COURT DETERMINES THE PROTECTION OF THE PUBLIC  
3 REQUIRES THE DANGEROUS DOG TO UNDERGO A BEHAVIOR EVALUATION, OBTAIN  
4 AN EVALUATION FROM A CERTIFIED APPLIED BEHAVIORIST, A BOARD  
5 CERTIFIED VETERINARY BEHAVIORIST, OR ANOTHER RECOGNIZED EXPERT IN  
6 THE FIELD AND COMPLETE THE RECOMMENDATIONS OF THAT EXPERT. THE  
7 OWNER OF THE DOG IS RESPONSIBLE FOR THE COST OF THE EVALUATION AND  
8 IMPLEMENTING THE RECOMMENDATIONS REQUIRED UNDER THIS SUBDIVISION.

9 (D) IF THE COURT DETERMINES THE PROTECTION OF THE PUBLIC  
10 REQUIRES THE DANGEROUS DOG TO BE SUPERVISED, MAINTAIN THE DANGEROUS  
11 DOG UNDER THE DIRECT SUPERVISION OF AN ADULT WHEN THE DANGEROUS DOG  
12 IS ON PUBLIC PREMISES.

13 (E) IF THE COURT DETERMINES THE PROTECTION OF THE PUBLIC  
14 REQUIRES THE DANGEROUS DOG TO BE RESTRAINED, MAINTAIN THE DANGEROUS  
15 DOG IN A MUZZLE THAT WILL PREVENT THE DANGEROUS DOG FROM BITING A  
16 PERSON OR ANIMAL WHEN THE DANGEROUS DOG IS ON PUBLIC PREMISES. THE  
17 MUZZLE MUST NOT INJURE THE DOG OR INTERFERE WITH THE DOG'S VISION  
18 OR RESPIRATION.

19 (5) AN ANIMAL CONTROL DEPARTMENT HAS THE RIGHT TO IMPOUND A  
20 DANGEROUS DOG IF THE OWNER FAILS TO COMPLY WITH THE REQUIREMENTS OF  
21 THIS ACT.

22 (6) THE OWNER OF A DANGEROUS DOG MAY PETITION THE DISTRICT  
23 COURT OR MUNICIPAL COURT TO REVERSE THE DESIGNATION OF DANGEROUS  
24 DOG.

25 SEC. 5. A PERSON SHALL NOT KNOWINGLY OR RECKLESSLY PERMIT A  
26 DANGEROUS DOG TO LEAVE THE PREMISES OF ITS OWNER WHEN THE DANGEROUS  
27 DOG IS NOT ON A LEASH OR CONTROLLED BY ANOTHER RECOGNIZED CONTROL

1 METHOD.

2 SEC. 6. THE OWNER OF AN ANIMAL THAT, WITHOUT JUSTIFICATION,  
3 ATTACKS AN INDIVIDUAL WHO IS PEACEABLY CONDUCTING HIMSELF OR  
4 HERSELF IN ANY PLACE WHERE HE OR SHE MAY LAWFULLY BE IS LIABLE IN A  
5 CIVIL ACTION FOR THE DAMAGES CAUSED BY THE ATTACK TO THE INDIVIDUAL  
6 INJURED BY THE ANIMAL.

7 SEC. 7. THE GOVERNING BODY OF A LOCAL UNIT OF GOVERNMENT MAY  
8 ENACT AN ORDINANCE OR CODE THAT RESTRICTS OR PLACES ADDITIONAL  
9 REQUIREMENTS ON THE OWNERS OF DOGS PROVIDED THAT THE ORDINANCE OR  
10 CODE DOES NOT REGULATE A DOG BASED ON BREED, PERCEIVED BREED, OR  
11 TYPE.

12 SEC. 8. IF A DANGEROUS DOG OR A VICIOUS DOG ATTACKS AN  
13 INDIVIDUAL AFTER THE DOG HAS BEEN DECLARED A DANGEROUS DOG OR A  
14 VICIOUS DOG, THE OWNER OF THE DANGEROUS DOG OR VICIOUS DOG SHALL  
15 SURRENDER THE DOG TO THE APPROPRIATE ANIMAL CONTROL DEPARTMENT TO  
16 BE HUMANELY EUTHANIZED.

17 Enacting section 1. This amendatory act takes effect 90 days  
18 after the date it is enacted into law.