

# Legislative Analysis



## SUITABLE ANIMAL SHELTERS

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 6015 (proposed substitute H-1)**  
**Sponsor: Rep. Penelope Tsernoglou**

Analysis available at  
<http://www.legislature.mi.gov>

**House Bill 6016 as introduced**  
**Sponsor: Rep. Mike McFall**

**House Bill 6017 as introduced**  
**Sponsor: Rep. Denise Mentzer**

**Committee: Local Government and Municipal Finance**  
**Complete to 12-11-24**

### SUMMARY:

House Bill 6015 would modify the definition of a suitable shelter for animals under Chapter IX (Animals) of the Michigan Penal Code. House Bills 6016 and 6017 are companion bills that would make complementary changes to the Animal Welfare Act and the Revised Judicature Act, respectively. The bills would take effect 90 days after they are enacted.

**House Bill 6015** would amend section 50 of the Michigan Penal Code, which prohibits animal neglect or cruelty, to require animals to be provided with shelter that protects them from hazardous weather conditions. The bill would also regulate the types of structures that can be used as shelter for dogs.

Section 50 of the Michigan Penal Code prohibits an owner, possessor, breeder, operator of a pet shop, or person having the charge or custody of an animal from, among other things, failing to provide an animal with sufficient food, water, *shelter*, sanitary conditions, exercise, and veterinary medical attention in order to maintain an animal in a state of good health. Penalties for violations depend on the severity of the offense, the number of animals affected, and the number of prior violations (see **Background**, below).

*Shelter* is currently defined as adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health. (For livestock, the term includes structures or natural features such as trees or topography.)

For a dog, *shelter* includes one or more of the following:

- The residence of the dog's owner or other individual.
- A doghouse that is an enclosed structure with a roof, that is of appropriate dimensions for the breed and size of the dog, and that has dry bedding when the outdoor temperature drops or is predicted to drop below freezing.
- A structure, including a garage, barn, or shed, that is sufficiently insulated and ventilated to protect the dog from exposure to extreme temperatures or, if not sufficiently insulated and ventilated, contains a doghouse (as described above) that is accessible to the dog.

House Bill 6015 would amend the definition of *shelter* to provide that if the elements and weather conditions pose an extreme risk to an animal's health or safety, adequate protection must include protection or shade at all times necessary to maintain the animal in a state of good health.

If a dog's *shelter* is a human residence, the dog would have to be kept in a space with appropriate light, ventilation, and temperature control. If the shelter is a doghouse, the doghouse would have to be an enclosed structure with both a roof and a floor, and the dry bedding would have to provide insulation and protection from the cold and damp.<sup>1</sup> None of the following would qualify as a suitable structure to be used as a dog shelter:

- A crawl space under a building or under steps, a deck, or a stoop; metal or plastic barrels; animal carriers; transport crates; or wire crates designed to provide temporary housing, unless the structure is modified to provide adequate protection from the elements and weather conditions in a manner that is suitable for the dog's age, breed, and physical condition so as to maintain the dog in a state of good health.
- The space under a vehicle, inside a vehicle that is not running appropriate climate controls while under adult supervision, shelters made from cardboard or other materials easily degraded by the elements, or shelters with wire or chain-link floors.

MCL 750.50

**House Bill 6016** would amend the Animal Welfare Act to modify a reference to Chapter IX of the Michigan Penal Code, which provides standards for the adequate care of animals. The bill is tie-barred to House Bill 6015, meaning that it cannot take effect unless HB 6015 is also enacted.

MCL 287.992

**House Bill 6017** would amend the Revised Judicature Act to modify a reference to section 50 of the Michigan Penal Code. The bill is tie-barred to House Bill 6015.

MCL 600.2950

## **BACKGROUND:**

The penalties for a violation of section 50 of the Michigan Penal Code are as follows:

- For a first violation involving one animal, a misdemeanor punishable by up to 93 days' imprisonment, a fine of up to \$1,000, or up to 200 hours of community service, or any combination of these penalties.
- For a first violation involving two or three animals or involving the death of an animal, a misdemeanor punishable by up to one year's imprisonment, a fine of up to \$2,000, or up to 300 hours of community service, or any combination of these penalties.
- For a violation involving between four and nine animals or for a second violation, a felony punishable by up to two years' imprisonment, a fine of up to \$2,000, or up to 300 hours of community service, or any combination of these penalties.

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<sup>1</sup> Dry bedding would include materials such as straw or cedar shavings but would not include a blanket, rug, or other material that retains moisture.

- For a violation involving between 10 and 24 animals or for a third violation, a felony punishable by up to four years' imprisonment, a fine of up to \$5,000, or up to 500 hours of community service, or any combination of these penalties.
- For a violation involving at least 25 animals or for a fourth or subsequent violation, a felony punishable by up to seven years' imprisonment, a fine of up to \$10,000, or up to 500 hours of community service, or any combination of these penalties. The court can also place the violator on probation for up to five years.
- If the violator is a breeder or pet shop operator that has at least five prior convictions for violating 1969 PA 287 (which regulates pet shops and animal shelters), a felony punishable by up to two years' imprisonment, a fine of up to \$5,000, or both.

In addition, violators can be ordered to pay the costs of the prosecution and the costs of the care, housing, and veterinary medical care for the animal. Depending on the severity of the offense, violators can also be ordered to not possess an animal for a certain period of time, including permanent relinquishment of animal ownership.

### **FISCAL IMPACT:**

The bills would have an indeterminate fiscal impact on the state and on local units of government. Revisions to the definition of "shelter" could lead to an increase in violations. The number of convictions that would result under provisions of the bill is not known. Violations could be either misdemeanors or felonies, depending on the circumstances. New misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. Costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction. New felony convictions would result in increased costs related to state prisons and state probation supervision. In fiscal year 2023, the average cost of prison incarceration in a state facility was roughly \$48,700 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$5,400 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue. The fiscal impact on local court systems would depend on how provisions of the bill affected court caseloads and related administrative costs. It is difficult to project the actual fiscal impact to courts due to variables such as law enforcement practices, prosecutorial practices, judicial discretion, case types, and complexity of cases. Any increase in penal fine revenue would increase funding for public and county law libraries, which are the constitutionally designated recipients of those revenues.

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