

HOUSE BILL NO. 5796

June 06, 2024, Introduced by Rep. Bezotte and referred to the Committee on Criminal Justice.

A bill to amend 1988 PA 426, entitled

"An act to regulate dangerous animals; to provide for the confinement, identification, 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), the title and section 2 as amended by 2022 PA 121, and by adding sections 2a, 2b, 2c, 2d, 2e, 3a, and 3b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

2

An act to regulate dangerous animals, **potentially dangerous**

1 **dogs, and dangerous dogs;** to provide for the confinement,
 2 identification, or destruction of dangerous animals; **to require the**
 3 **owners of potentially dangerous dogs and dangerous dogs to comply**
 4 **with certain requirements; to require the registration of dangerous**
 5 **dogs; to provide for the powers and duties of certain state and**
 6 **local governmental officers and entities;** and to ~~provide~~ **prohibit**
 7 **certain acts and prescribe certain penalties.** ~~for the owners or~~
 8 ~~keepers of dangerous animals that attack human beings.~~

9 Sec. 1. As used in this act:

10 (a) "Altered" means a dog that has undergone a professional
 11 sterilization procedure performed by a veterinarian that rendered
 12 the dog incapable of reproducing.

13 (b) "Animal care facility" means an animal shelter or other
 14 boarding facility where a dog may be cared for and housed or kept.

15 (c) "Animal control department" means an animal control
 16 shelter as that term is defined in section 1 of 1969 PA 287, MCL
 17 287.331.

18 (d) "Attack" means the deliberate action of an animal, whether
 19 or not in response to a command by its owner, to bite, seize with
 20 its teeth, or pursue an individual or domestic animal with the
 21 intent to kill, wound, injure, or harm.

22 (e) ~~(a)~~ "Dangerous animal" means ~~a dog or other~~ **an animal,**
 23 **other than a dog,** that bites or attacks ~~a person, or a dog that~~
 24 ~~bites or attacks and causes serious injury or death to another dog~~
 25 ~~while the other dog is on the property or under the control of its~~
 26 ~~owner. However, a dangerous~~ **an individual or domestic animal.**

27 **Dangerous** animal does not include any of the following:

28 (i) An animal that bites or attacks ~~a person~~ **an individual** who
 29 is knowingly trespassing on the property of the animal's owner.

1 (ii) An animal that bites or attacks ~~a person~~ **an individual** who
2 provokes or torments the animal.

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

7 (iv) Livestock.

8 (f) "Dangerous dog" means 1 or more of the following, subject
9 to subdivision (g):

10 (i) A dog that has been determined to be a potentially
11 dangerous dog and whose owner has been given notice that the dog is
12 a potentially dangerous dog, if 1 of the following is satisfied:

13 (A) The dog bites, attacks, or threatens the safety of an
14 individual or a domestic animal.

15 (B) The owner maintains the dog in violation of this act.

16 (ii) A dog that kills or inflicts severe injury on an
17 individual without provocation.

18 (iii) A dog that kills a domestic animal or livestock without
19 provocation, if the dog is not on its owner's real property.

20 (iv) A dog that has been used or trained for dog fighting.

21 (v) A dog that has committed at least 3 reported and
22 documented bites without provocation.

23 (g) "Dangerous dog" or "potentially dangerous dog" does not
24 include a dog that threatens, injures, or damages an individual,
25 animal, or property under 1 or more of the following circumstances:

26 (i) An individual was committing a willful trespass or other
27 unlawful conduct on the owner's real property.

28 (ii) An individual was intentionally provoking, tormenting,
29 abusing, or assaulting the dog, its owner, or a family member of

1 the owner.

2 (iii) An individual was committing or attempting to commit a
3 crime.

4 (iv) A domestic animal or livestock was attacking or menacing
5 the dog.

6 (v) An animal was attacking or menacing the dog while on the
7 owner's real property.

8 (vi) The dog was responding to pain or injury or protecting its
9 offspring.

10 (vii) The dog was protecting or defending an individual within
11 the immediate vicinity of the dog from an attack or assault.

12 (viii) The dog was working as a hunting dog, herding dog, or
13 predator control dog on the owner's real property or under the
14 control of its owner, and the injury or damage was to a species or
15 type of domestic animal appropriate to the work of the dog.

16 (h) "Dog" means a domestic dog of any age of the species *Canis*
17 *lupus familiaris*.

18 (i) "Domestic animal" means a dog, a cat, poultry, livestock,
19 or any other animal that is kept, bred, bought, sold, or considered
20 by the owner to be a pet.

21 (j) "Impound" means to seize and take into the custody of an
22 animal control department.

23 (k) ~~(b)~~ "Livestock" means animals used for human food and
24 fiber or animals used for service to ~~human beings.~~ **humans**.
25 Livestock includes, but is not limited to, cattle, swine, sheep,
26 llamas, goats, bison, equine, poultry, and rabbits. Livestock does
27 not include **domestic** animals. ~~that are human companions, such as~~
28 ~~dogs and cats.~~

29 (l) ~~(c)~~ "Owner" means ~~a person~~ **an individual** who owns, ~~or~~

1 harbors, ~~a dog or other~~ keeps, possesses, or has control or custody
2 of a dog or other animal.

3 (m) "Owner's real property" means real property owned or
4 leased by the owner of a dog or other animal. Owner's real property
5 does not include a public right-of-way or a common area of a
6 condominium complex, manufactured home park, apartment complex, or
7 townhouse development.

8 (n) "Potentially dangerous dog" means 1 or more of the
9 following, subject to subdivision (g):

10 (i) A dog that has a known propensity or disposition, as
11 indicated by sworn statements from at least 2 adults and an
12 investigation by an appropriate authority, to attack without
13 provocation and in a menacing fashion or to threaten the safety of
14 humans or domestic animals.

15 (ii) A dog that has inflicted severe injury on a domestic
16 animal or livestock, if the dog inflicted the injury while on
17 property other than its owner's real property.

18 (iii) A dog that bites an individual without provocation and
19 inflicts a severe injury on that individual.

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

24 ~~(e) "Serious injury" means permanent, serious disfigurement,~~
25 ~~serious impairment of health, or serious impairment of a bodily~~
26 ~~function of a person.~~

27 (p) "Severe injury" means a physical injury that results in
28 broken bones, muscle tears, multiple bite wounds, or disfiguring
29 lacerations and requires multiple surgeries or corrective or

1 cosmetic surgery.

2 (q) "State veterinarian" means the chief animal health
3 official of this state as appointed by the director of the
4 department of agriculture and rural development under section 7 of
5 the animal industry act, 1988 PA 466, MCL 287.707, or the state
6 veterinarian's authorized representative.

7 (r) ~~(f)~~—"Torment" means an act or omission that causes
8 unjustifiable pain, suffering, and distress to ~~an~~ a dog or other
9 animal, or causes mental and emotional anguish in the dog or other
10 animal as evidenced by its altered behavior, for a purpose such as
11 sadistic pleasure, coercion, or punishment that an ordinary and
12 reasonable person would conclude is likely to precipitate ~~the~~ a
13 bite or attack.

14 (s) "Without provocation" means that the victim was behaving
15 lawfully and peacefully at the time the victim was bitten,
16 attacked, or threatened, or chased in a menacing fashion by a dog.

17 Sec. 2. (1) ~~Upon~~ On a sworn complaint that an animal is a
18 dangerous animal and has caused serious injury or death to an
19 individual or ~~has caused serious injury or death to a dog,~~ a
20 district court magistrate, district court, or municipal court shall
21 issue a summons to the owner ordering ~~him or her~~ the owner to
22 appear to show cause why the animal should not be destroyed.

23 (2) ~~Upon~~ On the filing of a sworn complaint as provided in
24 subsection (1), the district court magistrate, district court, or
25 municipal court shall order the owner to immediately turn the
26 animal over to an animal control authority, ~~department,~~
27 incorporated humane society, veterinarian, or boarding kennel, at
28 the owner's option, to be retained until a hearing is held and a
29 decision is made for the disposition of the animal. The owner shall

1 notify the person that retains the animal under this subsection of
2 the complaint and order. The owner is responsible for the expense
3 of the boarding and retention of the animal. The animal must not be
4 returned to the owner until the animal has a current rabies
5 vaccination and license as required by law.

6 (3) After a hearing, if the animal is found to be a dangerous
7 animal that caused serious injury or death to an individual or a
8 dog, the district court magistrate, district court, or municipal
9 court shall order the destruction of the animal, at the owner's
10 expense. After a hearing, if the **court finds that the** animal ~~has~~
11 ~~been previously adjudicated~~ **is** a dangerous animal ~~or is found to be~~
12 ~~a dangerous animal~~ that did not cause serious injury or death to an
13 individual but is likely to cause serious injury or death to an
14 individual in the future, the district court magistrate, district
15 court, or municipal court may order the destruction of the animal,
16 at the owner's expense.

17 (4) If the district court magistrate, district court, or
18 municipal court finds that an animal is a dangerous animal that has
19 not caused serious injury or death to an individual, the district
20 court magistrate, district court, or municipal court shall notify
21 the animal control ~~authority~~ **department** for the county in which the
22 complaint was filed of all of the following:

23 (a) The finding of the court.

24 (b) The name of the owner of the dangerous animal.

25 (c) The address at which the animal was kept at the time of
26 the finding.

27 (5) If the district court magistrate, district court, or
28 municipal court finds that an animal is a dangerous animal that has
29 not caused serious injury or death to an individual, ~~under~~

1 ~~subsection (4),~~ the district court magistrate, district court, or
2 municipal court shall order the owner of that animal to do 1 or
3 more of the following:

4 (a) ~~If the dangerous animal is a member of the *Canis lupus*~~
5 ~~*familiaris* species, have a permanent identification number assigned~~
6 ~~to the animal, at the owner's expense, by or under the supervision~~
7 ~~of a veterinarian.~~

8 (b) ~~Take specific steps, such as escape proof fencing or an~~
9 ~~enclosure, that includes a top or roof, to ensure that the animal~~
10 ~~cannot escape or an unauthorized individual cannot enter the~~
11 ~~premises.~~

12 (b) ~~(c)~~ Have the animal sterilized.

13 (d) ~~Obtain and maintain liability insurance coverage~~
14 ~~sufficient to protect the public from any damage or harm caused by~~
15 ~~the animal.~~

16 (c) ~~(e)~~ Take any other action appropriate to protect the
17 public.

18 **Sec. 2a. On the filing of a sworn complaint that a dog is a**
19 **potentially dangerous dog or dangerous dog, a district court**
20 **magistrate, district court, or municipal court shall do both of the**
21 **following:**

22 (a) Issue a summons to the owner ordering the owner to appear
23 to show cause why the dog should not be declared a potentially
24 dangerous dog or dangerous dog.

25 (b) If the dog poses an immediate threat to public safety,
26 order that the animal control department or law enforcement agency
27 impound the dog until a hearing is held and a decision is made for
28 the disposition of the dog at the owner's expense.

29 **Sec. 2b. (1) After a hearing under section 2a, if the district**

1 court magistrate, district court, or municipal court finds that a
2 dog is a potentially dangerous dog, the district court magistrate,
3 district court, or municipal court shall order the owner to do all
4 of the following:

5 (a) Have the dog sterilized and vaccinated for rabies.

6 (b) Obtain a license for the dog as provided in the dog law of
7 1919, 1919 PA 339, MCL 287.261 to 287.290.

8 (c) Not later than 30 days after the district court
9 magistrate, district court, or municipal court issues its finding,
10 give written notice of the finding to the local branch of the
11 United States Post Office and all utility companies that provide
12 services to the owner's real property. The owner shall provide a
13 copy of each notice given under this subdivision to the animal
14 control department.

15 (d) Disclose the finding in writing to each provider of
16 service or treatment to the dog. As used in this subdivision,
17 "provider of service or treatment" includes, but is not limited to,
18 the following:

19 (i) An individual authorized to practice veterinary medicine
20 under part 188 of the public health code, 1978 PA 368, MCL
21 333.18801 to 333.18838.

22 (ii) A dog groomer.

23 (iii) A staff member of a humane society or other animal welfare
24 agency.

25 (iv) An animal care facility worker.

26 (v) A professional dog handler or trainer.

27 (e) While on the owner's real property, keep the dog indoors
28 or in a securely fenced yard from which the dog cannot escape and
29 into which children cannot trespass.

1 (f) While outside the owner's real property, keep the dog
2 under the control of a responsible adult and restrained on a leash
3 that is not more than 6 feet long.

4 (2) Except as provided in subsection (3), after a hearing
5 under section 2a, if the district court magistrate, district court,
6 or municipal court finds that a dog is a dangerous dog and if the
7 release of the dog would pose a significant threat to public
8 health, safety, or welfare, the district court magistrate, district
9 court, or municipal court shall order 1 of the following, and in
10 addition, may prohibit the owner from owning, possessing,
11 controlling, or having custody of a dog for a time period of up to
12 3 years:

13 (a) The owner to relinquish the dog to the animal control
14 department.

15 (b) The animal control department to euthanize the dog.

16 (3) After a hearing under section 2a, if the district court
17 magistrate, district court, or municipal court finds that the dog
18 is a dangerous dog but does not order the dog to be euthanized
19 under subsection (2), the district court magistrate, district
20 court, or municipal court shall order the owner to do all of the
21 following:

22 (a) Complete the requirements under subsection (1)(a) to (d).

23 (b) While on the owner's real property, keep the dog indoors
24 or in a securely enclosed and locked structure of a sufficient
25 height and design to prevent the dog's escape or direct contact
26 with or entry by individuals or other animals, and that is designed
27 to provide shelter from the elements.

28 (c) While outside the owner's real property, the owner shall
29 do all of the following:

1 (i) Ensure that the dog is wearing a muzzle that prevents the
2 dog from biting an individual or other animal, but that does not
3 injure the dog or interfere with its breathing.

4 (ii) Keep the dog under the control of a responsible adult.

5 (iii) Restrain the dog on a leash that is not more than 6 feet
6 long.

7 Sec. 2c. (1) The owner of a dog that is found to be a
8 potentially dangerous dog or dangerous dog under section 2b shall
9 notify the animal control department if any of the following occur:

10 (a) The dog is loose or unconfined.

11 (b) The dog bites an individual or attacks another animal.

12 (c) The dog is sold, given away, or dies.

13 (2) If the owner of a dog that is found to be a potentially
14 dangerous dog or dangerous dog under section 2b moves to a new
15 address, the owner shall notify the animal control department
16 having jurisdiction of the owner's previous address and the animal
17 control department having jurisdiction of the owner's new address
18 within 30 days after the owner moves.

19 (3) The owner of a dangerous dog shall not sell or otherwise
20 transfer ownership of the dog. The owner of a dangerous dog shall
21 not relinquish the dog to an animal control department except for
22 the purposes of euthanasia.

23 Sec. 2d. (1) The animal control department shall maintain a
24 list of all dogs within its jurisdiction that have been found to be
25 potentially dangerous dogs under section 2b for 5 years.

26 (2) The animal control department may remove a potentially
27 dangerous dog from the list maintained under subsection (1) if the
28 owner demonstrates to the satisfaction of the animal control
29 department that a change in circumstances or an action taken by the

1 owner has mitigated the risk the dog poses to public safety.

2 Sec. 2e. (1) Not later than 15 days after the dog is found to
3 be a dangerous dog under section 2b, the owner shall obtain a
4 dangerous dog registration certificate and tag identifying the dog
5 as a dangerous dog from the animal control department for a fee,
6 not less than \$100.00, to be determined by the county board of
7 commissioners for the county within which the animal control
8 department is located. The tag described in this subsection must be
9 of a uniform design developed by the same entity that develops the
10 dog licenses for the animal control department issuing the tag, and
11 must specify, in large letters, the phrase "dangerous dog". A
12 certificate or renewal of a certificate under this section must
13 only be issued to an individual who is 18 years of age or older.
14 The animal control department shall only issue a certificate or
15 renewal of a certificate to an owner who presents satisfactory
16 evidence of all of the following:

17 (a) That the dog is vaccinated for rabies and altered.

18 (b) That the dog is confined indoors or in a securely enclosed
19 and locked structure of a sufficient height and design to prevent
20 the dog's escape or direct contact with or entry by an individual
21 or another animal, and that is designed to provide shelter from the
22 elements.

23 (c) That the owner posts clearly visible signs on the owner's
24 property warning individuals that a dangerous dog is present on the
25 property.

26 (2) The owner shall affix the tag described in subsection (1)
27 to the dog's collar and ensure that the dog wears the collar and
28 tag at all times.

29 (3) A certificate obtained under subsection (1) must be

1 renewed annually for a fee and in the same manner the initial
2 certificate was obtained.

3 (4) The animal control department shall provide a copy of each
4 dangerous dog registration issued under this section and
5 verification of compliance with subsection (1) to the state
6 veterinarian.

7 Sec. 3. (1) The owner of an animal that meets the definition
8 of a dangerous animal in section ~~1(a)-1~~ that causes the death of a
9 ~~person~~**an individual** is guilty of involuntary manslaughter,
10 punishable under section 321 of the Michigan penal code, ~~Act No.~~
11 ~~328 of the Public Acts of 1931, being section 750.321 of the~~
12 ~~Michigan Compiled Laws.1931 PA 328, MCL 750.321.~~

13 (2) If an animal that meets the definition of a dangerous
14 animal in section ~~1(a)-1~~ attacks a ~~person~~**an individual** and causes
15 ~~serious~~**severe** injury other than death, the owner of the animal is
16 guilty of a felony, punishable by imprisonment for not more than 4
17 years, a fine of not less than \$2,000.00, or community service work
18 for not less than 500 hours, or any combination of these penalties.

19 (3) If an animal previously adjudicated to be a dangerous
20 animal attacks or bites a ~~person~~**an individual** and causes an injury
21 that is not a ~~serious~~**severe** injury, the owner of the animal is
22 guilty of a misdemeanor, punishable by imprisonment for not more
23 than 90 days, a fine of not less than \$250.00 ~~nor~~**or** more than
24 \$500.00, or community service work for not less than 240 hours, or
25 any combination of these penalties.

26 (4) If the owner of an animal that is previously adjudicated
27 to be a dangerous animal allows the animal to run at large, the
28 owner is guilty of a misdemeanor, punishable by imprisonment for
29 not more than 90 days, a fine of not less than \$250.00 ~~nor~~**or** more

1 than \$500.00, or community service work for not less than 240
2 hours, or any combination of these penalties.

3 (5) The court may order ~~a person~~ **an individual** convicted under
4 this section to pay the costs of the prosecution.

5 **Sec. 3a. (1) If the owner of a potentially dangerous dog or**
6 **dangerous dog fails to comply with any of the requirements under**
7 **section 2b or 2c, the owner is guilty of a felony punishable by**
8 **imprisonment for not more than 4 years, a fine of not less than**
9 **\$2,000.00, or community service work for not less than 500 hours,**
10 **or any combination of these penalties.**

11 (2) If a potentially dangerous dog or dangerous dog attacks an
12 individual after a finding is made under section 2b, the owner
13 shall relinquish the dog to the appropriate animal control
14 department within 7 days. The animal control department shall
15 euthanize the dog.

16 **Sec. 3b. The governing body of a local unit of government may**
17 **enact an ordinance regulating potentially dangerous dogs and**
18 **dangerous dogs that is substantially similar to sections 2a to 2e.**