Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bills 293 and 294 (as reported without amendment)
Sponsor: Senator Dayna Polehanki
Committee: Civil Rights, Judiciary, and Public Safety

CONTENT

Senate Bill 293 and Senate Bill 294 would amend Chapter IX (Animals) of the Michigan Penal Code to do the following:

-- Modify provisions allowing a court to order a defendant to pay restitution as part of a sentence for certain violations of Chapter IX.
-- Prohibit an animal that was the victim of abuse and was seized by an animal control agency from being returned to its owner or possessor if the owner or possessor were alleged to have violated Chapter IX and require the animal to be taken to a local animal control agency.
-- Require a court to award the animal to the animal control agency for evaluation and disposition if the owner or possessor were convicted under Chapter IX.
-- Require an animal control agency taking custody of an animal to give notice within 72 hours of seizing the animal.
-- Require a notice to include, among other things, a statement that the animal's owner or possessor could post a security deposit or bond that could prevent the forfeiture of the animal during the criminal, forfeiture, or other court proceeding until the court made a final determination regarding the animal's disposition.
-- Specify that a request for a hearing within 14 days after the date on the notice would prevent forfeiture of the animal until the court decided whether the requirement to post a security deposit or bond was justified, whether the amount of the security deposit or bond was fair and reasonable, or both.
-- Require a court to consider an owner or possessor's employment status, employment history, and financial history in determining whether a security deposit or bond was fair and reasonable.
-- Allow a prosecuting attorney to initiate a civil action in the final determination of criminal charges to request the court to issue a forfeiture of the animal.
-- Require an animal control agency that had custody of a seized animal to hold it for 14 consecutive days beginning on the date notice was given, and specify that if the owner or possessor had not posted a security deposit or bond or requested a hearing within the 14-day period, the animal would be forfeited and the animal agency could dispose of the animal by adoption, transfer to another animal control agency, or humane euthanasia.
-- Specify that if the owner or possessor that posted a security deposit or bond were found not guilty in the criminal action, the amount of the security deposit or bond posted to prevent disposition if unused for the animal's cost of care and the animal would have to be returned to the owner.
-- Allow an animal control agency, after receiving a seized animal, to humanely euthanize it or have it euthanized under certain circumstances.
-- Allow an animal control agency that received an animal to apply to the district court or municipal court for a hearing to determine whether the animal would have to be humanely euthanized because of its lack of any useful purpose or the public safety threat it posed.

MCL 750.50 (S.B. 293)
750.50b (S.B. 294)

BRIEF RATIONALE

Currently, when an animal is seized by an animal control agency because of an investigation for abuse or neglect, the animal is held by that agency during the criminal case until the animal is returned, given up for adoption, or euthanized. Individuals accused of such crimes must post bond to pay for the animal to be held or forfeit the animal. According to testimony before the Senate committee on Civil Rights, Judiciary, and Public Safety, delays in such cases have resulted in a burden to animal control agencies which can face overcrowding or insufficient bond amounts. It has been suggested that animal seizure be modified to allow an owner to post funds to prevent forfeiture of the animal during sentencing and reduce the burden on animal control agencies.

PREVIOUS LEGISLATION

(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)

Senate Bills 293 and 294 are respectively reintroductions of Senate Bills 657 and 658 of the 2023-2024 Legislative Session. Senate Bills 657 and 658 passed the Senate and were reported from the House Committee on Criminal Justice but received no further action.

Legislative Analyst: Tyler VanHuyse

FISCAL IMPACT

The bills would have no fiscal impact on State government. The bills could have possible fiscal impacts on local and county governments but in amounts that cannot be determined at this time. Expenditures by local or county government-funded animal control agencies could increase with animal confiscations, but those costs could be mitigated somewhat by the allowance of cost recovery from defendants.

Date Completed: 9-11-25

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