



**House  
Legislative  
Analysis  
Section**

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## **ANIMAL FIGHTS: PENALTIES**

**House Bill 4346 with committee  
amendments  
First Analysis (3-9-95)**

**Sponsor: Rep. Gary L. Randall  
Committee: Agriculture & Forestry**

### ***THE APPARENT PROBLEM:***

The Michigan Penal Code currently prohibits dogfighting, cockfighting, and related exhibitions, and imposes various penalties on those involved in organizing such events as well as those who participate in them. Public Act 381 of 1988 added provisions to the code to also ban the breeding or sale of fighting dogs, not only to try to thwart activities that lead to dog fights but also because evidence showed dogs bred for such purposes are more likely to attack humans. These changes, however, apparently have made it more difficult to prosecute persons involved in cockfights, as some attorneys have argued, sometimes successfully, that the 1988 language (which applies to fighting dogs) weakened the act's applicability to cock fights. It has been suggested that, as it was not legislative intent to do this, language be added to clarify the act's prohibitions against any kind of animal fighting. In addition, the act currently specifies that someone caught participating in such activities is guilty of a felony and may be imprisoned for up to four years, which is the same penalty that applies to persons caught organizing the fights or activities related to them. Some people think it would make more sense, and spare local governments the burden of having to jail so many people at once, if persons caught merely participating in such activities were subject to shorter jail terms.

In addition, provisions added to the Penal Code by Public Act 381 of 1988 specifically pertain to dogs trained for fighting or descended from dogs trained or used for fighting. Some breeds of dogs, however, originally were bred for fighting other animals, while others are trained simply for use as guard dogs. Some people believe this language is overly restrictive and ignores the reality that people, in fact, own dogs descended from fighting animals which no longer retain aggressive characteristics but could nonetheless be considered illegal under current law.

### ***THE CONTENT OF THE BILL:***

The Michigan Penal Code (MCL 750.49) prohibits someone from owning, possessing, keeping, or using a "bull, bear, dog, or other animal" for purposes of fighting or baiting or for use as a target to be shot at as a test of skill in marksmanship. The act also prohibits a person from being a party to such activities, renting or obtaining for use a building or other premises for such activities, or knowingly permitting premises he or she owns or controls to be used for such activities. Someone who violates the provisions above is guilty of a felony and may be imprisoned for up to four years, fined up to \$5,000, or both. Being present when preparations are being made for an exhibition of such activities and being present at the exhibition are also felonies, with a maximum imprisonment of four years and a maximum fine of \$2,000.

The bill would reduce the maximum term of imprisonment for being present at an exhibition or at preparations for an exhibition to two years. The bill also would refer to "an animal" rather than a "bull, bear, dog, or other animal", and would define the term "animal" as "any animal other than a human being." In addition, as part of sentencing in such cases a court would have to issue an order prohibiting a convicted person from owning or keeping "an animal of the same species" as that involved in the violation for a period of five years from the date of sentencing. (That requirement currently refers to the owning or keeping of "a dog of any kind".)

The bill also would revise numerous provisions that currently prohibit someone from breeding, selling, buying, exchanging, importing, or exporting "the offspring" of a dog that has been trained or used for fighting, and which provide for various penalties to be imposed on violators. Under the bill, such prohibitions and the penalties that apply to them would apply only to breeding, etc. of "first or second generation offspring" of such dogs.

House Bill 4346 (3-9-95)

**FISCAL IMPLICATIONS:**

The House Fiscal Agency says the bill would not affect state or local budget expenditures. (3-8-95)

**ARGUMENTS:**

**For:**

The bill would clear up some problems in the penal code concerning prohibitions against organizing or participating in animal fights or being involved in related activities. Currently, the act imposes the same prison penalties for persons caught in such activities regardless of their level of involvement: jail terms of up to four years. This apparently has made it difficult at times for county prosecutors to seek sentences consistent with the level of illegal activity involved, and in some cases caused overcrowding at county jails. The bill would take a more sensible approach by specifying that those caught merely participating at these events would be subject to up to only two years imprisonment. Also, after changes made to the act in 1988, some attorneys for those on trial for cock fighting apparently have argued that it was legislative intent to remove the ban on this activity altogether. The bill would clarify the issue by providing that the act's prohibitions would apply to all animal fights, not just to those involving dogs. And finally, the bill would make the prohibition that currently applies to ownership of "the offspring" of dogs that have been trained or used for fighting, instead, apply to owning of the first or second generation offspring of such dogs. Thus, the bill would recognize that many people own dog breeds with fighting "in the blood" which, after several generations of good breeding, no longer retain aggressive traits.

**POSITIONS:**

The Michigan Humane Society supports the bill. (3-9-95)

The Gratiot County Prosecutor supports the bill. (3-8-95)

The United Kennel Club supports the bill. (3-8-95)

The Michigan Association for Pure Bred Dogs supports the bill. (3-8-95)

The Michigan Hunting Dog Federation supports the bill. (3-8-95)