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SFA



BILL ANALYSIS

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Senate Bill 705 (Substitute S-2 as passed by the Senate)
Sponsor: Senator Leon Stille
Committee: Farming, Agribusiness and Food Systems

Date Completed: 12-17-99

RATIONALE

Although current endangered species laws in Michigan prohibit private citizens from owning full-blooded wolves, Michigan does not regulate the ownership of wolf-dog crosses. Wolf-dog crosses are not considered to be members of a Federally designated endangered or threatened species, and therefore their regulation is left to State and local jurisdictions. Apparently, there has been a growing interest in the ownership of wolf-dog crosses because some people are fascinated with wolves or seek wolf-dog crosses as status pets, while others are attracted by the financial gain of selling the offspring for as much as \$1,000 per puppy.

The breeding of wolf-dog crosses for use as pets has raised a number of public health and safety concerns. Reportedly, most wolf-dog crosses are poorly adapted to be pets, and there have been numerous fatal and injurious attacks on people and other animals. Wolf-dog crosses sometimes are neglected, or are abandoned or released by their owners when they become difficult to handle. Even if the animals are cared for properly, many owners reportedly have been attacked by their wolf-dog crosses for no apparent reason.

Some people believe that since wolf-dog crosses can pose a serious risk of danger to the public, their possession, handling and care should be regulated, and standards for keeping wolf-dog crosses should be imposed. In addition, they suggest that owners' responsibilities and liabilities in instances of wolf-dog cross attacks should be clearly specified.

CONTENT

The bill would create the "Wolf-Dog Cross Act" in memory of Angie Nickerson, to prohibit a person from possessing a wolf-dog cross unless the person possessed the animal on the bill's effective date and annually obtained a wolf-dog cross permit from the local unit; prohibit a person from transferring a wolf-dog cross unless it complied with the bill's provisions; and prohibit a person from breeding a wolf-dog cross.

The bill also would require an identification number to be placed subcutaneously in the wolf-dog cross; provide for conditions of a wolf-dog cross facility and the handling and care of the animals; prescribe standards for keeping a wolf-dog cross in a person's residence; specify when a wolf-dog cross could be taken outdoors; require the posting of signs stating, "A potentially dangerous wolf-dog cross is kept on this property"; specify owners' responsibilities and liabilities, including a requirement that a wolf-dog cross be humanely euthanized if it had potentially exposed a human, livestock, or a mammalian pet to rabies; and establish penalties for violations of the bill. A local unit could adopt an ordinance pertaining to wolf-dog crosses that was more restrictive than the bill. The bill's requirements would be in addition to any other requirements governing a wolf-dog cross under State and Federal law.

"Wolf-dog cross" would mean a canid that was a wolf with a dog, two wolf-dog crosses, a wolf-dog cross with a dog, or a wolf-dog cross with a wolf. There would be an irrebuttable presumption that a canid was a wolf-dog cross if the canid were or had been represented as a wolf-dog cross by the breeder, owner, or a person who possessed the animal whether by advertisement, registration papers, sworn statements, or any other method. There would be a rebuttable presumption that a canid was a wolf-dog cross if four or more of the following morphological traits of the canid were characteristic of a wolf-dog cross: the muzzle (from eyes to tip of nose), canine teeth, shoulder height, body length, eye color, orbital angle, weight, chest width, dew claw, supra caudal gland, coat, front paws, tail, or ears. The presumption would be irrebuttable if a wolf-dog cross expert identified a canid as a wolf-dog cross because four or more of those traits were characteristic of a wolf-dog cross.

The following is a more detailed description of the bill.

Possession/Permit

A person could not possess one or more wolf-dog crosses unless the person owned the animals; possessed the animals on the bill's effective date; applied for a wolf-dog cross permit within 90 days after the bill's effective date; and obtained a permit for the wolf-dog crosses. The permit would apply only to those individual wolf-dog crosses and would not be transferable to another person except through testate or intestate succession. The permit would be valid in any local unit in which the possession of wolf-dog crosses was not prohibited by ordinance. ("Person" would mean an individual, partnership, corporation, association, governmental entity, or other legal entity.)

A person would have to file a permit application with the agency specified by the first of the following that applied: If the wolf-dog crosses were kept in a city or village that employed an animal control officer, the person would have to file the application with the city or village agency to which the animal control officer was assigned; if the wolf dog crosses were kept in a township that employed an animal control officer, the person would have to file the application with the township agency to which the officer was assigned; and if the county in which the wolf-dog crosses were kept employed an animal control officer, the person would have to file the application with the county agency to which the officer was assigned. If none of the above applied, the person would have to file a permit application with the county sheriff of the county where the wolf-dog crosses were kept.

A permit application would have to include the following:

- An annual permit fee, which would be established by the local unit whose agency issued the permit and could not be less than \$25 (or \$25 for each wolf-dog cross at the option of the local unit), or an amount necessary to cover the local unit's actual, reasonable costs of enforcing the bill, whichever was greater.
- A written statement that specified the number of wolf-dog crosses owned by the applicant; described in detail each wolf-dog cross owned by the applicant, including its identification number; and specified the name, address, and telephone number of the person from whom the owner obtained the wolf-dog cross, if known.
- A certificate signed by a veterinarian that the wolf-dog cross had been sexually sterilized.

A local unit could not issue a permit to an applicant who was under 21 years of age, was convicted of or found responsible for violating a local ordinance or

State law prohibiting neglect or mistreatment of an animal, was convicted of a felony within the past 10 years, or was subject to a court order requiring the forfeiture of a wolf-dog cross or prohibiting the ownership or possession of one; or if the facility and condition in which the animal would be kept did not comply with the bill.

A permit would have to contain the name and address of the permit holder, the address where each animal would be kept, the number of animals owned by the permit holder, the identification number of each wolf-dog cross, the name and address of the veterinarian who was expected to provide veterinary care to the animal, and any other reasonable information as determined by the local unit, including a designation of permits required by the local unit, the Michigan Department of Agriculture, Community Health, or Natural Resources, the U.S. Department of Agriculture, or the Fish and Wildlife Service of the U.S. Department of the Interior.

A local unit that issued a permit would have to notify the Michigan Department of Agriculture (MDA) of the name and address of the permit holder and the number of wolf-dog crosses owned by the permit holder.

Identification Number

The owner of a wolf-dog cross would have to have an identification number placed in the wolf-dog cross by means of a subcutaneous microchip, at the expense of the owner, by or under the supervision of a veterinarian.

Required Handling and Care

Wolf-Dog Cross Facility. A wolf-dog cross could not be tethered outdoors, such as on a leash or chain, or allowed to run at large. Except as otherwise provided in the bill, a wolf-dog cross would have to be kept constantly in a facility that met the following requirements: was sufficiently secure to prevent escape and protect the animal from injury; was constructed of cement blocks, bricks, concrete, chain link fence, wires, or bars of a suitable thickness, gauge, or diameter to prevent the wolf-dog cross's escape and injury; was well braced and securely anchored at ground or floor level by metal clamps, ties, or braces of a strength sufficient for cage construction for the animal; was enclosed within a secondary fence located at least three feet outside the walls of the facility and adequate to prevent a human from coming into contact with the animal; had an entrance with a lock that was kept locked at all times when the wolf-dog cross was kept in the facility; and, had a floor area of at least 900 square feet, plus an additional 450 square feet for each additional wolf-dog cross over one kept in the facility. ("Facility" would mean an indoor or outdoor cage,

pen, or similar enclosure.)

Outside of Facility. The owner of a wolf-dog cross could, on a permanent or temporary basis, keep the animal in the person's residence and not in a facility if the animal were under the supervision of a person 21 years or older.

The owner could take the wolf-dog cross outdoors if one of the following applied:

- The animal was being used to pull a sled and the owner held the animal under control on a secure harness.
- The animal was being exercised and the owner held the animal under control on a secure leash.
- The owner held the animal under control on a secure leash and the animal was being moved between any two of the following: the animal's facility, the owner's residence, a shift cage, or a vehicle.

Signs. The owner would have to post and maintain signs stating, "A potentially dangerous wolf-dog cross is kept on this property", at each fence gate providing access to a residence, a building in which the wolf-dog cross's facility was located, or the facility; on each side of the facility unless it were located in a residence or other building; and on the outside of each door providing access to a residence or to any building in which the wolf-dog cross's facility was located.

Required Conditions. The bill would require that the conditions in which a wolf-dog cross would be kept, including temperature, ventilation, humidity, drainage, sanitation, diet, and exercise, be safe and conducive to the animal's physical health and comfort and promote normal behavior. Potable drinking water would have to be provided at least twice daily in a clean, accessible container unless otherwise directed by a veterinarian. Swimming or wading pools would have to be cleaned as needed to ensure sufficiently sanitary water quality. There would have to be adequate drainage of surface water from the facility. Food would have to be unspoiled and not contaminated with insects, fecal material, or any other substances that could cause the food to be unpalatable, that could decrease the nutrient value of the food, or that could pose a health risk to the wolf-dog cross. Fecal and food wastes would have to be removed daily and stored or disposed of in a manner that would prevent noxious odors, insect pests, or risks to human or animal health or the environment. Hard floors would have to be scrubbed and disinfected weekly. Large facilities with dirt floors would have to be raked every day and raked waste removed every day. While the animal's facility was being cleaned, the wolf-dog cross could be kept in a shift cage of appropriate size for the wolf-dog and of

a construction adequate to contain the wolf-dog cross safely.

Required Care. At the owner's expense, care for the wolf-dog cross would have to be provided by a veterinarian as needed. The veterinarian would have to keep up-to-date records of the care and retain the records until the wolf-dog cross died. When the wolf-dog cross died, the owner would have to arrange to have the death certified in writing by a veterinarian, law enforcement authority, or the permitting agency, which would be required to submit the certification to the MDA within 20 business days after the death.

Other Requirements. The owner of a wolf-dog cross would have to present a permit for the wolf-dog cross upon the request of a law enforcement authority. The owner could not place the animal under the supervision of a person under 21 years of age. A wolf-dog cross could not be mistreated or neglected.

Transportation and Exportation

The bill specifies that a person transporting a wolf-dog cross in a vehicle would have to comply with the International Air Transport Association standards applicable to a dog. In addition, a person transporting a wolf-dog cross in a vehicle would have to comply with all of the following requirements:

- The wolf-dog cross would have to be individually and securely caged, even while inside a passenger vehicle or in the bed of a truck. However, a female wolf-dog cross and each of her unweaned pups, if any, would have to be transported in the same cage.
- The vehicle would have to provide the animal with fresh air without injurious drafts and adequate protection from the elements.
- The animal's cargo area would have to be as free as possible of engine exhaust fumes.
- Fecal and food wastes would have to be removed from the wolf-dog cross's transport cage on at least a daily basis.
- The temperature within the wolf-dog cross's cage could not be harmful to the animal's health.
- The cage would have to be large enough to ensure that the animal had sufficient space to stand erect, turn around, and lie naturally.
- The animal could not be placed in an enclosure over or next to another animal unless each enclosure had a fitted floor or lateral partition that prevented excreta from entering lower or adjacent enclosures.
- The animal would have to be given potable water at least twice daily and fed at least once daily, unless otherwise directed by a licensed veterinarian.

A person could not export or attempt to export a wolf-

dog cross to another state or country unless the import and possession of the animal were lawful in the other state or country, and the destination and proposed new owner had been approved by the regulatory agency in the other state or country having authority to do so, if any.

Owner Responsibility and Liability

If a wolf-dog cross potentially exposed a human, livestock, or a mammalian pet to rabies by any penetration of the skin by teeth, any scratch or abrasion that caused penetration of the skin, or contamination of open wounds or mucous membranes with saliva or other infectious material, the potential exposure would have to be reported within 24 hours to the local health department in the case of human exposure or to the permitting agency in the case of animal exposure. The wolf-dog cross would have to be humanely euthanized and immediately examined for rabies under the rules promulgated under Section 5111 of the Public Health Code.

If a rabies vaccination became approved by the Federal government for use on a wolf-dog cross, the owner of a wolf-dog cross would have to have the animal vaccinated for rabies by a veterinarian.

A law enforcement authority or other person who had seen a wolf-dog cross chasing or attacking a person, livestock, poultry, or any other animal could kill the wolf-dog cross but would not be liable for damages or otherwise for killing or attempting to kill the wolf-dog cross. A wolf-dog cross's entry onto a field or enclosure that was owned by or leased by a person producing livestock or poultry would constitute a trespass, and the owner of the wolf-dog cross would be liable for damages.

The owner of a wolf-dog cross would be liable in a civil action for the death or injury of a person and for property damage, including the death or injury of another animal, caused by the wolf-dog cross.

If a wolf-dog cross escaped or were released, intentionally or unintentionally, the owner immediately would have to contact a law enforcement officer of the local unit to report the loss, escape, or release. The owner would be liable for all expenses associated with efforts to recapture the escaped or released animal. The owner could bring a civil action for damages and expenses against a person who was responsible in whole or part for the escape or release of the wolf-dog cross.

Violations

The facility where a wolf-dog cross was kept in captivity would be subject to inspection at reasonable hours by a law enforcement authority to ensure compliance with the bill. If there were probable cause to believe that the bill was being violated, a

law enforcement authority would have to issue a notice of the violation to the owner, arrest the owner or seek a warrant for his or her arrest as appropriate under the Code of Criminal Procedure for a misdemeanor violation of the bill, or file a sworn complaint under the bill.

If there were probable cause to believe the bill was being violated, a law enforcement authority could give notice of the violation in writing to the owner. The notice would have to identify the violation and include a copy of the bill. Within 30 days after the notice was delivered, the owner would have to transfer the wolf-dog cross or correct the violation and notify the law enforcement authority of the action taken. If the violation were failure to obtain a permit and it were committed knowingly, however, the owner would have to transfer the wolf-dog cross and notify the law enforcement authority of the action taken within 14 days after the notice was delivered.

A wolf-dog cross that was transferred under the bill would have to be transferred to an animal control shelter or animal protection shelter, a person licensed or approved by the Department of Natural Resources or by the Fish and Wildlife Service of the U.S. Department of the Interior, a zoological park approved by the American Zoo and Aquarium Association, or a person approved by the Association of Sanctuaries. The notice would have to include evidence of the transfer satisfactory to the law enforcement authority.

Unless the owner notified the law enforcement authority that the wolf-dog cross was transferred, the law enforcement authority would have to conduct an inspection at a reasonable time at least 30 days after the notice of the violation was delivered. When the second inspection was conducted, the owner would have to pay an inspection fee of \$25 or actual, reasonable costs of the inspection, whichever was greater, to the law enforcement authority. If the law enforcement authority found that the owner had not corrected the violation or transferred the animal, the law enforcement authority would have to seek forfeiture of the wolf-dog cross.

A person who violated the bill, other than a law enforcement authority, veterinarian, or permitting agency, would be guilty of a misdemeanor punishable by a fine of at least \$250, plus costs of prosecution; or a fine of at least \$500, plus costs of prosecution, if the person failed to obtain a wolf-dog cross permit. In addition, a person could be punished by up to 93 days' imprisonment, up to 500 hours of community service work, and/or loss of animal ownership privileges.

Forfeiture and Seizure

If a person who owned or possessed a wolf-dog

cross violated the bill, that wolf-dog cross and any other wolf-dog cross owned by that person would be subject to civil forfeiture. In a criminal action for a violation of the bill, the prosecuting attorney could file a petition requesting that the court issue an order for civil forfeiture of all of the wolf-dog crosses owned by the person who violated the bill. Also, any person could file with a court having jurisdiction a complaint alleging that a person was violating the bill and requesting the court to order the civil forfeiture of all of the wolf-dog crosses owned by that person.

A law enforcement officer would have to seize a wolf-dog cross under an order of seizure issued by the court having jurisdiction over the wolf-dog cross upon a showing of probable cause that the wolf-dog cross was subject to forfeiture. A wolf-dog cross subject to forfeiture could be seized without process under any of the following circumstances:

- The seizure was incident to a lawful arrest for a violation of the bill.
- The seizure was pursuant to a valid search warrant.
- The seizure was pursuant to an inspection under a valid administrative inspection warrant.
- There was probable cause to believe that the conditions under which the wolf-dog cross or any other wolf-dog cross owned by the same person was kept, were directly or indirectly dangerous to human or animal health or safety.
- Exigent circumstances precluded obtaining a court order, and there was probable cause to believe that the bill had been violated.
- The wolf-dog cross or any other wolf-dog cross owned by the same person was the subject of a prior judgment in favor of the State in a forfeiture proceeding.

If a seizure were to be accomplished by capture, tranquilization or other humane methods would have to be used for the capture. A wolf-dog cross seized under the bill would not be subject to any other action to recover personal property, but would be considered to be in the custody of the seizing agency except as otherwise specified in the bill, or to an order and judgment of the court having jurisdiction over the forfeiture proceedings. When a wolf-dog cross was seized, the law enforcement authority could remove the animal to a place designated by the court.

A wolf-dog cross that belonged to the victim of a crime would have to be returned promptly to the victim, except in the following circumstances: when the crime victim last possessed the animal, he or she was in violation of the bill's permit requirement; until any animal ownership dispute was resolved; or if the property were required to be retained as evidence under the Crime Victim's Rights Act.

A law enforcement authority could return a seized

wolf-dog cross to the owner if the law enforcement authority were satisfied that the conditions resulting in the seizure had been corrected.

If the wolf-dog cross were seized under process issued by a court, the law enforcement authority would have to obtain approval of the court before returning the wolf-dog cross.

Unless the wolf-dog cross had been returned, the law enforcement authority, within 10 days after the wolf-dog cross was seized, would have to give written notice of the seizure and intent to forfeit the wolf-dog cross to the owner, each person with a known ownership interest in the animal, and any person who was injured or whose property was damaged by the animal. The notice would have to be delivered in person or sent by certified mail. If the name and address of the person were not reasonably ascertainable or personal delivery could not reasonably be accomplished, the notice would have to be published in a newspaper of general circulation in the county in which the wolf-dog cross was seized, for 10 successive publishing days. Proof of written notice or publication would have to be filed with the court having jurisdiction over the seizure or forfeiture.

Immediately after seizure of the wolf-dog cross, the law enforcement authority would have to notify the prosecuting attorney or the Attorney General, if the Attorney General were actively handling a case involving or relating to the wolf-dog cross, of the seizure and any intent to forfeit the wolf-dog cross.

A person could file a motion with the court to return the wolf-dog cross on the grounds that the wolf-dog cross was illegally seized or was not subject to forfeiture. The court would have to hear the motion within 30 days. At the hearing, the Attorney General, or the attorney for the local unit where the animal was seized, would have to establish probable cause to believe that the wolf-dog cross was subject to forfeiture and, if the person filing the motion claimed the animal was illegally seized, that the wolf-dog cross was properly seized. If the Attorney General or the local unit's attorney failed to sustain this burden of proof, the court would have to order the return of the animal. The testimony of a person at the hearing would not be admissible against him or her in any criminal proceeding except in a prosecution for perjury. The testimony would not waive the person's constitutional right against self-incrimination.

A law enforcement authority would have to return a seized wolf-dog cross to the owner within seven days after any of the following:

- The failure to issue a warrant against the owner for committing a misdemeanor under the bill, or to file a complaint under the bill within 10 days after the animal was seized.
- The dismissal of charges or a complaint, as

- applicable.
- The court's determination that an order for the wolf-dog cross to be forfeited could not be entered.
- The acquittal of the owner of any charges under the bill.
- Entry of a court order for the return of the wolf-dog cross.

If a wolf-dog cross were returned to the owner, the law enforcement authority would have to give written notice to the owner, each person with a known ownership interest in the animal, and any person who was injured or whose property was damaged by the animal, that the animal had been returned. The notice would have to be delivered in person or sent by certified mail. If the name and address of the person were not reasonably ascertainable or personal delivery could not reasonably be accomplished, the notice would have to be published for 10 successive publishing days in a newspaper of general circulation in the county where the wolf-dog was seized.

If the court ordered a wolf-dog cross to be forfeited, the order of forfeiture would have to direct that each wolf-dog cross be transferred to a wildlife sanctuary approved by the Association of Sanctuaries, an animal protection shelter, or a zoo accredited by the American Zoo and Aquarium Association, where the animal would be safely and humanely cared for as provided by the bill. If the wolf-dog cross killed or injured a human or an animal, however, the forfeiture order could direct that the wolf-dog cross be humanely euthanized by a veterinarian. A forfeiture order would revoke any permit issued for the animal, and would have to order payment of costs for placement and care or for euthanization and disposal of the animal. The forfeiture would be a civil forfeiture.

If a wolf-dog cross were seized, the owner would be liable for the costs of placement and care for the animal from the time of seizure until the time of return or forfeiture and, if a wolf-dog cross were ordered to be forfeited and euthanized, for the costs of humanely euthanizing and disposing of the wolf-dog cross. The provision would not apply if the animal were returned to the owner or to a person who filed a motion for the animal's return.

Other Provisions

The bill's provisions pertaining to wolf-dog cross permits, animal identification numbers, and handling and care of wolf-dog crosses would not apply to an animal control shelter or animal protection shelter, a person licensed or approved by the Department of Natural Resources or by the Fish and Wildlife Service of the U.S. Department of the Interior, a zoological park approved or accredited by the

American Zoo and Aquarium Association, a person approved by the Association of Sanctuaries, a law enforcement officer acting under the bill's authority, or a veterinarian temporarily in possession of a wolf-dog cross to provide veterinary care for or humanely euthanize the wolf-dog cross.

The Department of Agriculture would have to provide each pet shop, animal control shelter, and animal protection shelter with information on the bill's requirements.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The domestic dog has had over 10,000 years of selected breeding to breed out dangerous or undesirable traits. Domestic dogs can live peacefully in a small area surrounded by other animals and children. They tend to look to a person, not another dog, as their leader and master. Wolves, however, are social predators that need a great deal of interaction with other members of the pack and travel great distances in pursuit of large prey. A wild wolf uses its intelligence to seek its prey and explore the territory. The breeding of wolf-dog crosses produces an animal that usually cannot live safely in human society, and yet is not really a wild animal.

The bill would help identify an animal that poses a documented public health risk and implement regulations that would diminish the danger, provide proper safety precautions, and establish a standard of care for wolf-dog crosses. Wolf-dog crosses have instinctual predatory and territorial traits that are unpredictable and hard to control. They often display predatory behavior, possessiveness, and aggression over food and possessions, grab and shred skin in serious confrontations, and are almost impossible to housebreak because they are not truly domesticated. The animals are dangerous because they have a tendency to attack when a person or other animal is relatively small or weak. Deaths and injuries can occur when children or adults approach the animals or wander into their reach. Predatory behavior also may be triggered by children screaming and playing.

In addition, a wolf-dog cross in captivity can easily become bored, unbalanced, and destructive. Reportedly, a wolf-dog cross is strong and excellent at escaping confinement, leaping over cage walls, digging under fences, breaking chains, and chewing through metal. Therefore, the bill would provide specific wolf-dog facility requirements.

Supporting Argument

In many cases, wolf-dog crosses escape or are

released into the wild by owners who cannot handle the animals or no longer want them. Abandoned or escaped wolf-dog crosses are problematic and pose a threat to wolf conservation. News of attacks by wolf-dog crosses could cause Michigan's wolf recovery program to suffer from the misperception that wild wolves are dangerous. In addition, the Department of Natural Resources and others are concerned that these wolf-dog crosses could interbreed with wild wolves and threaten the genetic integrity of wild wolf populations. The bill would require the owner of an escaped or released wolf-dog cross to contact a law enforcement officer, and would make the owner liable for recapture expenses.

Opposing Argument

The identification of a wolf-dog cross is unreliable because all dogs are descendants of wolves. There are no satisfactory tests or criteria, including visual observations, anatomical measurements, or DNA analysis to differentiate a wolf or wolf-dog cross from a domestic dog. Therefore, it is questionable whether a law enforcement authority would be able to identify a wolf-dog cross accurately enough to apply and enforce the bill's provisions. People with certain dogs that resemble wolves or wolf-dog crosses, such as huskies or malamutes, could unfairly face stiff penalties and harsh consequences under the bill if a domestic animal were mistaken for a wolf-dog cross.

Response: Although certain dogs and wolf-dog crosses may be hard to differentiate, experts can often make accurate determinations based on physical characteristics such as eye color, feet size, body shape, single tracking, and certain behavioral traits. In addition, if an animal control officer or other law enforcement officer responded to a complaint against an animal, such as an allegation that it was a wolf-dog cross, the owner simply would have to show the officer information or proof of the breed: registration papers for a purebred; bill of sale from a pet store; adoption or sales contract from a public or private animal shelter; or bill of sale, paperwork, or verbal verification from the breeder or previous owner from whom the animal was obtained.

Opposing Argument

The bill would unfairly single out one type of dog when there are many other dog breeds, such as pit bulls, rottweilers, and Doberman pinschers that are known for predatory behavior, strength, and power. For example, a law enforcement authority or other person who had seen a wolf-dog cross chasing or attacking any animal, such as a squirrel or rabbit, would be able to kill the wolf-dog cross without liability under the bill, even though chasing wild rodents is a common behavior among all other dogs.

Legislative Analyst: N. Nagata

FISCAL IMPACT

Senate Bill 705 (S-2) would have an indeterminate fiscal impact on State and local government.

The bill would result in an indeterminate, but probably negligible increase in State Department of Agriculture administrative costs. Local units of government that do not have a permitting program currently, or that do not have an ordinance banning ownership of wolf-dog crosses, would experience indeterminate increases in both administrative and enforcement costs. The bill would allow affected local governments to assess permit fees to generate revenue sufficient to cover these costs. As the bill would bar ownership of wolf-dog crosses that were not already in the possession of an individual prior to the effective date of the bill, the increase in local government costs and revenues would be temporary.

The bill would establish misdemeanor penalties for violating provisions of the proposed Act and for not registering a wolf-dog cross. Local units of government would receive the annual permit fee and fine revenue and/or pay the cost of incarceration. There are no data to indicate how many people could be subject to conviction under these sections, and the cost of incarceration varies from county to county.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.