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SFA



BILL ANALYSIS

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Senate Bill 705 (as enrolled)
Sponsor: Senator Leon Stille
Senate Committee: Farming, Agribusiness and Food Systems
House Committee: Health Policy

PUBLIC ACT 246 of 2000

Date Completed: 4-13-01

RATIONALE

Although endangered species laws in Michigan prohibit private citizens from owning full-blooded wolves, Michigan previously did 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 created the "Wolf-Dog Cross Act" in memory of Angie Nickerson, to do the following:

- Prohibit a person from possessing a wolf-dog cross unless the person possessed the animal when the bill took effect and obtains a permit for the animal.
- Require the payment of an annual permit fee.
- Prohibit a person from breeding a wolf-dog cross.
- Require an owner to have an identification number placed on the animal.
- Require an owner to post signs on the property where a wolf-dog cross is being kept.
- 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 may be taken outdoors.
- Establish requirements for the transportation of a wolf-dog cross.
- Specify owners' responsibilities and liabilities.
- Establish misdemeanor penalties for violations of the bill, and permit the seizure of a wolf-dog under certain circumstances.
- Permit a local unit to adopt an ordinance that is more restrictive than the bill.

The bill's requirements are in addition to any other requirements governing a wolf-dog cross under State and Federal law.

The bill defines "wolf-dog cross" as a canid resulting from the breeding of a wolf with a dog, two wolf-dog crosses, a wolf-dog cross with a dog, or a wolf-dog cross with a wolf.

The bill took effect on June 29, 2000. The following is a more detailed description of the bill.

Possession/Permit

A person may not possess one or more wolf-dog crosses unless the person owns the animals or has been temporarily given possession of them by the owner; possessed the animals when the bill took effect; applied for a wolf-dog cross permit within four months after the bill took effect; and obtains a permit for the wolf-dog crosses. The permit applies only to those individual wolf-dog crosses and is not transferable to another person except through testate or intestate succession (inheritance with or without a will). The permit is valid in any local unit in which the possession of wolf-dog crosses is not prohibited by ordinance. ("Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.)

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

A permit application must include the following:

- An annual permit fee, which must be established by the local unit whose agency issues the permit and must 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 is greater.
- A written statement that specifies the number of wolf-dog crosses owned by the applicant; describes in detail each wolf-dog cross owned by the applicant, including its identification number; and specifies 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 has been sexually sterilized.

A local unit may not issue a permit to an applicant who is under 21 years of age, has been convicted of or found responsible for violating a local ordinance or State law prohibiting neglect or mistreatment of an animal, has been convicted of a felony within the past 10 years, or has been subject to a court order

requiring the forfeiture of a wolf-dog cross or prohibiting the ownership or possession of one; if the facility and condition in which the animal will be kept does not comply with the bill; or if the applicant is not knowledgeable about the animal's disposition and care requirements.

A permit must contain the name and address of the permit holder, the address where each animal will 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 is 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 issues a permit must 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 must 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 must 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 must be kept constantly in a facility that meets the following requirements: is sufficiently secure to prevent escape and protect the animal from injury; is 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; is 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; has an entrance with a lock that is kept locked at all times when the wolf-dog cross is kept in the facility; and, has 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. A permitting agency may grant a variance allowing a reduced floor area

upon a showing that the bill's requirement imposes a practical difficulty on the owner and the reduced floor area is sufficient to maintain the animal in good health. ("Facility" means an indoor or outdoor cage, pen, or similar enclosure.)

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

The owner may take the wolf-dog cross outdoors if one of the following applies:

- The animal is being used to pull a sled and the owner holds the animal under control on a secure harness.
- The animal is being exercised and the owner holds the animal under control on a secure leash that is not more than six feet long.
- The animal is being exercised by the owner in a fenced area on private property with the permission of the property owner.
- The owner holds the animal under control on a secure leash not more than six feet long and the animal is being moved between any two of the following: the animal's facility, the owner's residence, a shift cage, a vehicle, a veterinarian's office, or a veterinary hospital.

Signs. The owner must 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 is located, or the facility; on each side of the facility unless it is 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 is located.

Required Conditions. The bill requires that the conditions in which a wolf-dog cross is kept, including temperature, ventilation, and humidity are safe and conducive to the animal's physical health and comfort and promote normal behavior. Sufficient food, water, shelter, sanitary conditions, and exercise must be provided to maintain the animal in good state of health.

While the animal's facility is being cleaned, the wolf-dog cross may 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, the wolf-dog cross must receive an annual checkup including scheduled vaccinations and other necessary medical care from a veterinarian. The owner must maintain the animal's veterinary records and present them

when requested by a law enforcement officer. When the wolf-dog cross dies, the owner must arrange to have the death certified in writing by a veterinarian, law enforcement officer, or the permitting agency, which must submit the certification to the MDA within 20 business days after the death.

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

Transportation and Exportation

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

- The wolf-dog cross must 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, must be transported in the same cage.
- The vehicle must provide the animal with fresh air without injurious drafts and adequate protection from the elements.
- The animal's cargo area must be as free as possible of engine exhaust fumes.
- Fecal and food wastes must 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 must not be harmful to the animal's health.
- The cage must be large enough to ensure that the animal has sufficient space to stand erect, turn around, and lie naturally.
- The animal must not be placed in an enclosure over or next to another animal unless each enclosure has a fitted floor or lateral partition that prevents excreta from entering lower or adjacent enclosures.
- The animal must be given potable water at least twice daily and fed at least once daily, unless otherwise directed by a licensed veterinarian.

A person must not export or attempt to export a wolf-dog cross to another state or country unless the import and possession of the animal are lawful in the other state or country, and the destination and proposed new owner have 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 rabies vaccination becomes approved by the Federal government for use on a wolf-dog cross, the owner of a wolf-dog cross must have the animal vaccinated for rabies by a veterinarian and must keep the vaccination current.

If a wolf-dog cross potentially exposes a human, livestock, or a mammalian pet to rabies by any penetration of the skin by teeth, any scratch or abrasion that causes penetration of the skin, or contamination of open wounds or mucous membranes with saliva or other infectious material, the potential exposure must 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. Except as provided below, the wolf-dog cross must be humanely euthanized and immediately examined for rabies under the rules promulgated under Section 5111 of the Public Health Code.

If a wolf-dog potentially exposes a human, livestock, or mammalian pet to rabies and at the time of exposure, the owner provides a valid certificate from a veterinarian indicating that the animal was vaccinated with a rabies vaccine approved by the U.S. Department of Agriculture at least 30 days before the exposure, the wolf-dog owner may elect to have the animal quarantined for 10 days. If the animal dies, or develops any symptoms of rabies during the quarantine period, the wolf-dog cross must be humanely euthanized and examined for rabies.

A law enforcement officer or other person who sees a wolf-dog cross attacking, injuring, or killing a person, livestock, or poultry may kill the wolf-dog cross. A person is not liable for damages or otherwise for killing or attempting to kill the wolf-dog cross under these circumstances. In addition, a law enforcement officer may kill a wolf-dog cross if the animal is attacking, injuring, or killing wildlife. A wolf-dog cross's entry onto a field or enclosure that is owned by or leased by a person producing livestock or poultry constitutes a trespass, and the owner of the wolf-dog cross is liable for damages.

The owner of a wolf-dog cross is 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. The bill states that it does not limit the common law liability of the owner for the death or injury of a human or for property damage caused by the wolf-dog cross.

If a wolf-dog cross escapes or is released, intentionally or unintentionally, the owner immediately must contact a law enforcement officer of the local unit to report the loss, escape, or release.

The owner is liable for all expenses associated with efforts to recapture the escaped or released animal. The owner may bring a civil action for damages and expenses against a person who is responsible in whole or part for the escape or release of the wolf-dog cross.

If a wolf-dog cross bites an individual without provocation while the individual is on public property or lawfully on private property, including the property of the animal's owner, the owner of the wolf-dog cross is liable for any damages suffered by the person bitten, regardless of the former viciousness of the animal or the owner's knowledge of such viciousness. For the purposes of this provision, the bill specifies that an individual is lawfully on the private property of the owner of the wolf-dog cross if the individual is on that property in the performance of any duty imposed on him or her by the laws of this State or by the laws or postal regulations of the United States, or if the individual is on that property as an invitee or licensee of the person lawfully in possession of the property, unless the individual has gained lawful entry upon the property for the purpose of an unlawful or criminal act.

Violations

The facility where a wolf-dog cross is kept is subject to inspection at reasonable hours by a law enforcement officer to ensure compliance with the bill. If there is probable cause to believe that the bill is being violated, a law enforcement authority must 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 a law enforcement officer believes that a canid is a wolf-dog cross but the owner is unable or unwilling to verify it, before enforcing the bill, the law enforcement officer must consult with an expert on wolf-dog cross identification. The expert must consider all relevant aspects of identification such as behavioral characteristics, and morphological traits, including gait, and any necropsy results. Consultation with an expert is not a prerequisite to enforcing the bill's provisions on transfer of ownership.

If there is probable cause to believe that the bill is being violated, a law enforcement officer may give notice of the violation in writing to the owner. The notice must identify the violation and include a copy of the bill. Within 30 days after the notice is delivered, the owner must transfer ownership and possession of the wolf-dog cross or correct the violation and notify the law enforcement officer of the action taken. If the violation was failure to obtain a permit and it was committed knowingly, however, the

owner must transfer the wolf-dog cross and notify the law enforcement officer of the action taken within 14 days after the notice is delivered.

A wolf-dog cross transferred as described above must 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 or accredited by the American Zoo and Aquarium Association, or a person approved by the Association of Sanctuaries. The notice must include evidence of the transfer satisfactory to the law enforcement officer.

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

A person who violates the bill is guilty of a misdemeanor, punishable by a fine of at least \$250, but not more than \$1,000, plus costs of prosecution; or a fine of at least \$500, but not more than \$2,000, plus costs of prosecution, if the person fails to obtain a wolf-dog cross permit. In addition, the person may be punished by one or more of the following: imprisonment for up to 93 days; community service work for up to 500 hours; or the loss of privileges to own or possess any animal. These provisions do not apply to a law enforcement officer, veterinarian, or permitting agency, with respect to the person's or agency's performance of duties under the bill.

Forfeiture and Seizure

If a person who owns or possesses a wolf-dog cross violates the bill, that wolf-dog cross and any other wolf-dog cross owned by that person are subject to civil forfeiture. In a criminal action for a violation of the bill, the prosecuting attorney may file a petition requesting that the court issue an order for civil forfeiture of all of the wolf-dog crosses owned by the violator.

Any person may file with a court having jurisdiction a complaint alleging that a person is 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 must 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 is subject to forfeiture due to a person's violation of the bill. A wolf-dog cross subject to forfeiture may be seized without process under any of the following circumstances:

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

If a seizure is to be accomplished by capture, tranquilization or other humane methods must be used for the capture. A wolf-dog cross seized under the bill is not subject to any other action to recover personal property, but is considered to be in the custody of the seizing agency, subject to the bill's provisions concerning the return of a wolf-dog, or to an order and judgment of the court having jurisdiction over the forfeiture proceedings. When a wolf-dog cross is seized, the law enforcement officer may remove the animal to a place designated by the court.

A wolf-dog cross that belongs to the victim of a crime must be returned promptly to the victim, except in the following circumstances: the crime victim was in violation of the bill's permitting provisions when he or she last possessed the animal; the animal's ownership is disputed, until the dispute is resolved; or the property is required to be retained as evidence under the Crime Victim's Rights Act.

A law enforcement officer may return a seized wolf-dog cross to the owner if the law enforcement officer is satisfied that the conditions resulting in the seizure have been corrected. If the wolf-dog cross was seized under process issued by a court, the officer must obtain approval of the court before returning the wolf-dog cross.

Unless the wolf-dog cross has been returned, the law enforcement officer, within 10 days after the wolf-dog cross is seized, must 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 must be delivered in person or sent by certified mail. If the name and address of the person are not reasonably ascertainable or personal delivery cannot reasonably be accomplished, the notice must 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 must be filed with the court having jurisdiction over the seizure or forfeiture.

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

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

A law enforcement authority must 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 is 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 may 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 is returned to the owner, the law enforcement officer must give written notice of the return, to the persons who received notice of the forfeiture. The notice must be delivered in person or sent by certified mail. If a person's name and address are not reasonably ascertainable or personal delivery cannot be accomplished reasonably, the notice must 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 orders a wolf-dog cross to be forfeited, the order of forfeiture must 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 will be safely and humanely cared for as provided by the bill. Subject to provisions of the bill concerning exposure to rabies, however, if the wolf-dog cross killed or injured a human or an animal, the forfeiture order may direct that the wolf-dog cross be humanely euthanized by a veterinarian. A forfeiture order must revoke any permit issued for the animal,

and order payment of costs for placement and care or for euthanization and disposal of the animal. The bill specifies that the forfeiture is a civil forfeiture.

If a wolf-dog cross is seized, the owner is 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 is ordered to be forfeited and euthanized, for the costs of humanely euthanizing and disposing of the wolf-dog cross. The provision does not apply if the animal is returned to the owner.

The bill specifies that, in a civil forfeiture proceeding, there is a rebuttable presumption that a canid is a wolf-dog cross if the current owner represents or has represented that the canid is a wolf-dog cross or if a previous owner transferred ownership or possession of the canid to the current owner, with or without remuneration, representing it to be a wolf-dog cross.

Other Provisions

The bill's provisions pertaining to wolf-dog cross permits, animal identification numbers, and handling and care of wolf-dog crosses do 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.

Sections of the bill concerning permitting, identification, facility construction, taking a wolf-dog cross outdoors, keeping a wolf-dog cross in a shift cage, posting signs, and exporting a wolf-dog cross do not apply to a person who is not a resident of this State and who is in Michigan only for the purpose of travel between locations outside of the State.

The Department of Agriculture must 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, yet is not really a wild animal.

The bill helps identify an animal that poses a documented public health risk, and implements regulations that will 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 provides for 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 may 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 may interbreed with wild wolves and threaten the genetic integrity of wild wolf populations. The bill requires the owner of an escaped or released wolf-dog cross to contact a law enforcement officer, and makes 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 officer will 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, may unfairly face stiff penalties and harsh consequences under the bill if a domestic animal is mistaken for a wolf-dog cross.

Response: If an animal control officer or other law enforcement officer responds to a complaint against an animal, such as an allegation that it is a wolf-dog cross, the owner simply may 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. The bill also provides that if a law enforcement officer believes a canid is a wolf-dog cross but the owner is unable or unwilling to verify it, the law enforcement officer must consult with an expert on wolf-dog cross identification before enforcing the bill.

Opposing Argument

The bill unfairly singles 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 officer who sees a wolf-dog cross attacking or chasing wildlife, such as a squirrel or rabbit, may 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

The bill will have an indeterminate fiscal impact on State and local government.

The bill will 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, will experience indeterminate increases in both administrative and enforcement costs. The bill allows affected local governments to assess permit fees to generate revenue sufficient to cover these costs. As the bill bars ownership of wolf-dog crosses that were not already in the possession of an individual before the bill's effective date, the increase in local government costs and revenues will be temporary.

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

Fiscal Analyst: P. Graham
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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.