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SFA**BILL ANALYSIS**

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Senate Bill 705 (as introduced 9-21-99)
Sponsor: Senator Leon Stille
Committee: Farming, Agribusiness and Food Systems

Date Completed: 11-10-99

CONTENT

The bill would create the “Wolf-Dog Cross Act” 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 license. The bill also would 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; require the posting of signs; 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 city, village, township, or county could adopt an ordinance pertaining to wolf-dog crosses that was more restrictive than the bill.

“Wolf-dog cross” would mean a canid that was a crossbreed resulting from the breeding of a wolf with a dog, the breeding of two wolf-dog crosses, the breeding of a wolf-dog cross with a dog, the breeding of a wolf-dog cross with a wolf, or an animal represented as a wolf-dog cross by the current or previous owner or a person who currently or previously possessed the animal through advertisement, registration papers, sworn statements, or any other method, as a wolf-dog cross.

The following is a more detailed description of the bill.

Possession

A person could not possess a wolf-dog cross, except in compliance with the bill; could not possess a wolf-dog cross unless the person possessed the animal on the bill’s effective date; could not breed animals to produce a wolf-dog cross; and could not possess a wolf-dog cross unless the animal had been sexually sterilized and had been permanently identified by means of a subcutaneous microchip. (“Person” would mean an individual, partnership, corporation, association, governmental entity, or other legal entity.)

Licensure

A person who possessed a wolf-dog cross annually would have to obtain a wolf-dog cross license for each wolf-dog cross the person possessed. The first license would have to be obtained within 30 days after the bill’s effective date. A rabies vaccination would not be required to obtain a wolf-dog cross license unless the Federal government had approved a rabies vaccination for use on wolf-dog crosses. A wolf-dog cross license otherwise would have to be obtained and issued, proof of the license would have to be produced, and the license tag kept on the wolf-dog cross in the same manner and subject to the same requirements as a dog license or tag under the Dog Law.

Required Handling and Care

A wolf-dog cross could not be tethered outdoors, such as on a leash or chain, or allowed to run at large. It would have to be kept constantly in a facility that met the following requirements: sufficiently secure to prevent escape and protect the animal from injury; 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; braced and anchored at ground or floor level by metal clamps, ties, or braces of a strength adequate to contain the animal safely; and, equipped with a lock that was locked at all times when the wolf-dog cross was kept in the facility. ("Facility" would mean an indoor or outdoor cage, pen, or similar enclosure.)

The person who possessed a wolf-dog cross would not be required to keep the animal in a facility if it were kept in the person's residence. The bill specifies that this provision would not apply if there were a person under 21 years of age in the residence unless the animal were under the supervision of a person who was at least 21. The person in possession also would have to present a wolf-dog cross license or proof of sterilization upon the request of a law enforcement authority, and could not place the wolf-dog cross under the supervision of a person under 21 years of age. In addition, the person would have to post and maintain clearly legible signs stating, "A wolf-dog cross, which is potentially a dangerous animal, 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. The wolf-dog cross could not be mistreated or neglected.

The bill also would require that conditions in which the wolf-dog cross would be kept, such as 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 daily in a clean, accessible container unless otherwise directed by a veterinarian. While the animal's facility was being cleaned, the wolf-dog cross would have to be kept in an appropriate and safe cage in the residence under the supervision of a person 21 years of age or older, or in a shift cage.

The person who possessed a wolf-dog cross could not allow the animal outdoors unless one or more of the following applied:

- The person had the wolf-dog cross under direct control or on a secure leash and the animal was on property owned by that person in an area completely enclosed by a secure fence; the fence would have to be six feet high and all the gates of the fence would have to be locked.
- The person had the animal on a secure leash on property other than the property owned by that person.
- The wolf-dog cross was being moved between any two of the following: the wolf-dog cross's facility, the residence of the person who possessed the wolf-dog cross, a shift cage, or a vehicle.

The bill specifies that the transportation of a wolf-dog cross in a vehicle would have to comply with the International Animal Association standards applicable to a dog.

A facility housing a wolf-dog cross would be subject to inspection by a law enforcement authority at reasonable hours to ensure compliance with the bill. If entry for an inspection were refused, the law enforcement authority would have to obtain an administrative inspection warrant before conducting the inspection.

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 licensing agency in the case of animal exposure.

A wolf-dog cross that could have potentially exposed a human, livestock, or a mammalian pet to rabies would have to be humanely euthanized and immediately examined for rabies under the rules promulgated under Section 5111 of the Public Health Code.

The bill specifies that a law enforcement authority or other person who had seen a wolf-dog cross pursuing, attacking, or wounding livestock or poultry or attacking a person, could kill the animal but would not be liable for damages or otherwise for killing the wolf-dog cross.

The person in possession of a wolf-dog cross would be liable in a civil action for the death of or injury to any animal or person, or for property damage caused by the wolf-dog cross. The person immediately would have to contact a law enforcement officer of the local unit to report an escape or release (unintentional or intentional) of a wolf-dog cross. The person also would be liable for all expenses associated with efforts to recapture the escaped or released animal.

Penalties

A law enforcement authority could seize a wolf-dog cross incident to a lawful arrest for a violation of the bill and impound the animal pending the outcome of the criminal action and possible loss of animal ownership privileges.

A person who violated the bill would be guilty of a misdemeanor punishable by one or more of the following: a fine of up to \$1,000, plus costs of prosecution; imprisonment for up to 93 days; community service work for up to 1,000 hours; and/or loss of canid ownership privileges.

A person who knowingly possessed a wolf-dog cross (unless the person possessed the animal on the bill's effective date) or knowingly bred animals to produce a wolf-dog cross would be guilty of a misdemeanor punishable by a fine of at least \$1,000 but not more than \$5,000, plus costs of prosecution. In addition, the person could be punished by one or more of the following: imprisonment for up to 93 days, community service work for up to 1,000 hours, and/or loss of animal ownership privileges.

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on local government.

The bill would establish misdemeanor penalties for violating provisions of the proposed Act and for possessing or breeding a wolf-dog cross, subsequent to the enactment of this legislation. Local units of government would receive the 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.

Fiscal Analyst: K. Firestone

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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.