

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 705

A bill to regulate the ownership, possession, and care of certain wolf-dog crosses; to prohibit the ownership and possession of certain wolf-dog crosses; to prohibit the false advertising of certain canids as wolf-dog crosses; to impose fees; to prescribe the powers and duties of certain governmental entities and officials and of certain veterinarians; and to prescribe penalties and provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "wolf-dog cross act" and is enacted in memory of Angie
3 Nickerson.

4 Sec. 2. As used in this act:

5 (a) "Animal control officer" means a county animal control
6 officer as described in sections 29a and 29b of the dog law of
7 1919, 1919 PA 339, MCL 287.289a and 287.289b, or a city, village,

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1 or township animal control officer as described in section 29c of
2 the dog law of 1919, 1919 PA 339, MCL 287.289c.

3 (b) "Animal control shelter" or "animal protection shelter"
4 means an animal control shelter or animal protection shelter,
5 respectively, registered with the department under section 6 of
6 1969 PA 287, MCL 287.336.

7 (c) "Department" means the department of agriculture.

8 (d) "Dog" means an animal of the species *Canis familiaris* or
9 *Canis lupus familiaris*.

10 (e) "Expert on wolf-dog cross identification" means an indi-
11 vidual who has, cumulatively, at least 10 years of training and
12 field experience in wolf and wolf-dog cross behavioral and mor-
13 phological characteristics and who is recognized as an expert at
14 the state and national levels by others in the same field.

15 (f) "Facility" means an indoor or outdoor cage, pen, or sim-
16 ilar enclosure where a wolf-dog cross is kept.

17 (g) "Law enforcement officer" means:

18 (i) A sheriff or sheriff's deputy.

19 (ii) A village or township marshal.

20 (iii) An officer of the police department of a city, vil-
21 lage, or township.

22 (iv) An officer of the Michigan state police.

23 (v) A peace officer who is trained and certified under the
24 commission on law enforcement standards act, 1965 PA 203, MCL
25 28.601 to 28.616.

26 (vi) A conservation officer appointed by the department of
27 natural resources.

1 (vii) An animal control officer.

2 (viii) A law enforcement officer of the federal government
3 authorized to enforce any federal law regulating animals.

4 (h) "Livestock" means that term as defined in section 5 of
5 the animal industry act of 1987, 1988 PA 466, MCL 287.705.

6 (i) "Local unit" means a city, village, township, or
7 county.

8 (j) "Permit" means a permit issued under section 4.

9 (k) "Permitting agency" means the agency of a local unit
10 that issues permits under section 4.

11 (l) "Person" means an individual, partnership, corporation,
12 association, governmental entity, or other legal entity.

13 (m) "Pet shop" means a pet shop licensed by the department
14 under section 3 of 1969 PA 287, MCL 287.333.

15 (n) "Veterinarian" means a person licensed to practice vet-
16 erinary medicine under article 15 of the public health code, 1978
17 PA 368, MCL 333.16101 to 333.18838.

18 (o) "Wolf" means an animal of the species *Canis rufus* or
19 *Canis lupus*, but does not include an animal of the species *Canis*
20 *lupus familiaris*.

21 (p) "Wolf-dog cross" means a canid resulting from the breed-
22 ing of any of the following:

23 (i) A wolf with a dog.

24 (ii) A wolf-dog cross with a wolf.

25 (iii) A wolf-dog cross with a dog.

26 (iv) A wolf-dog cross with a wolf-dog cross.

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1 Sec. 3. (1) A person shall not do any of the following:

2 (a) Possess a wolf-dog cross except in compliance with this
3 act.

4 (b) Breed a wolf-dog cross.

5 (c) Subject to subsection (2), transfer ownership or posses-
6 sion of or receive a transfer of ownership or possession of a
7 wolf-dog cross, with or without remuneration.

8 (d) Subject to subsection (2), transfer ownership or posses-
9 sion of a canid, with or without remuneration, if the person has
10 represented to the transferee that the canid is a wolf-dog cross
11 or offer or advertise to transfer ownership or possession of a
12 canid, with or without remuneration, representing the canid to be
13 a wolf-dog cross.

14 (e) Subject to subsection (2), receive a transfer or offer
15 to receive a transfer of ownership or possession of a canid, with
16 or without remuneration, if the owner of the canid has repre-
17 sented to the person that the canid is a wolf-dog cross.

18 (2) Subsection (1)(c), (d), and (e) do not apply to the tem-
19 porary transfer of possession of a wolf-dog cross under section
20 4(1)(a) or any other transfer of possession or ownership of a
21 wolf-dog cross expressly authorized or required by this act.

22 (3) In a civil forfeiture proceeding under this act, there
23 is a rebuttable presumption that a canid is a wolf-dog cross if
24 the current owner represents or has represented that the canid is
25 a wolf-dog cross or if a previous owner transferred ownership or
26 possession of the canid to the current owner, with or without
27 remuneration, representing it to be a wolf-dog cross.

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1 (4) For the purposes of this section, a representation may
2 be by advertisement, registration paper, or any other method.

3 Sec. 4. (1) A person shall not possess 1 or more wolf-dog
4 crosses unless all of the following apply:

5 (a) The person owns the wolf-dog crosses or has temporarily
6 been given possession of the wolf-dog crosses by the owner.

7 (b) The owner was in possession of those individual wolf-dog
8 crosses on the effective date of this act.

9 (c) The owner applies for a permit for those wolf-dog
10 crosses within 4 months after the effective date of this act, and
11 obtains a permit for those wolf-dog crosses. The permit applies
12 only to those individual wolf-dog crosses. The permit is not
13 transferable to another person except through testate or intes-
14 tate succession. The permit is valid in any local unit in which
15 the possession of the wolf-dog cross is not prohibited by
16 ordinance.

17 (2) A person shall file an application for a permit with the
18 person specified by the first of the following subdivisions that
19 applies:

20 (a) If the wolf-dog crosses are kept in a city or village
21 and the city or village employs an animal control officer, with
22 the city or village agency to which the animal control officer is
23 assigned.

24 (b) If the wolf-dog crosses are kept in a township and the
25 township employs an animal control officer, with the township
26 agency to which the animal control officer is assigned.

1 (c) If the county in which the wolf-dog crosses are kept
2 employs an animal control officer, with the county agency to
3 which the animal control officer is assigned.

4 (d) If subdivisions (a), (b), and (c) do not apply, with the
5 county sheriff of the county where the wolf-dog crosses are
6 kept.

7 (3) An applicant for a permit shall include with the appli-
8 cation all of the following:

9 (a) An annual permit fee. The annual permit fee shall be
10 established by the governing body of the local unit whose agency
11 issues the permit under subsection (2) and shall be not less than
12 the greater of the following 2 amounts:

13 (i) Twenty-five dollars, or at the option of the local unit
14 if the applicant keeps more than 1 wolf-dog cross in that local
15 unit, \$25.00 for each wolf-dog cross.

16 (ii) An amount necessary to cover the local unit's actual,
17 reasonable costs of enforcing this act.

18 (b) A written statement that does all of the following:

19 (i) Specifies the number of wolf-dog crosses owned by the
20 applicant.

21 (ii) Describes in detail each wolf-dog cross owned by the
22 applicant, including, but not limited to, its identification
23 number required under section 5.

24 (iii) Specifies the name, address, and telephone number of
25 the person from whom the owner obtained the wolf-dog cross, if
26 known.

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1 (c) A certificate signed by a veterinarian that the wolf-dog
2 cross has been sexually sterilized.

3 (4) A local unit shall not issue a permit unless it finds
4 that all of the following apply:

5 (a) The requirements of subsections (1), (2), and (3) are
6 met.

7 (b) The applicant is 21 years of age or older.

8 (c) The applicant has not been convicted of or found respon-
9 sible for violating a local ordinance or state law prohibiting
10 neglect or mistreatment of an animal and has not within the past
11 10 years been convicted of a felony.

12 (d) The applicant is not subject to a court order requiring
13 the forfeiture of a wolf-dog cross or prohibiting the ownership
14 or possession of a wolf-dog cross.

15 (e) The facility and the conditions in which each wolf-dog
16 cross will be kept comply with this act.

17 (f) The applicant is knowledgeable about the wolf-dog
18 cross's disposition and care requirements.

19 (5) A permit shall set forth all of the following:

20 (a) The name and address of the permit holder and the
21 address where each wolf-dog cross will be kept, if different from
22 that of the permit holder.

23 (b) The number of wolf-dog crosses owned by the permit
24 holder.

25 (c) The identification number of each wolf-dog cross
26 required under section 5.

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1 (d) The name, address, and signature of the veterinarian who
2 is expected to provide veterinary care to the wolf-dog cross.

3 (e) Any other reasonable information as determined by the
4 local unit, which may include, but need not be limited to, a des-
5 ignation of permits required by a local unit, the department, the
6 department of community health, the department of natural
7 resources, the United States department of agriculture, or the
8 fish and wildlife service of the United States department of the
9 interior.

10 (6) A local unit that issues a permit shall notify the
11 department of the name and address of the permit holder and the
12 number of wolf-dog crosses owned by the permit holder.

13 (7) The owner of a wolf-dog cross shall annually pay the
14 local unit the annual permit fee established under subsection
15 (3)(a).

16 Sec. 5. The owner of a wolf-dog cross shall have an identi-
17 fication number placed in the wolf-dog cross via subcutaneous
18 microchip, at the expense of the owner, by or under the supervi-
19 sion of a veterinarian.

20 Sec. 6. (1) A wolf-dog cross shall not be tethered out-
21 doors, such as on a leash or chain, or allowed to run at-large.
22 Except as otherwise provided in this section or section 7, a
23 wolf-dog cross shall be constantly kept in a facility that meets
24 all of the following requirements:

25 (a) Is sufficiently secure to prevent the wolf-dog cross's
26 escape and protect the wolf-dog cross from injury.

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1 (b) Is constructed of cement blocks, bricks, concrete, chain
2 link fence, wires, or bars of a suitable thickness, gauge, or
3 diameter to prevent the wolf-dog cross's escape and to protect
4 the wolf-dog cross from injury.

5 (c) Has an entrance with a lock that is kept locked at all
6 times when the wolf-dog cross is kept in the facility.

7 (d) Is well braced and securely anchored at ground level or,
8 if the facility is located in a residence or other building, at
9 floor level and utilizes metal clamps, ties, or braces of a
10 strength sufficient for cage construction for the wolf-dog
11 cross.

12 (e) Is enclosed within a secondary fence that is located at
13 least 3 feet outside of the walls of the facility and is adequate
14 to prevent a human from coming into contact with the wolf-dog
15 cross.

16 (f) Has a floor area of at least 900 square feet, plus an
17 additional 450 square feet for each wolf-dog cross in excess of 1
18 kept in the facility. A permitting agency may grant a variance
19 allowing a reduced floor area upon a showing that the require-
20 ments of this subdivision impose a practical difficulty on the
21 owner and that the reduced floor area is sufficient to maintain
22 the wolf-dog cross in a good state of health.

23 (2) The owner or person temporarily in possession of a
24 wolf-dog cross may keep the wolf-dog cross in the person's dwell-
25 ing and not in a facility if the wolf-dog cross is under the
26 supervision of a person 21 years of age or older.

1 (3) The owner or person temporarily in possession of a
2 wolf-dog cross may take the wolf-dog cross outdoors if 1 of the
3 following applies:

4 (a) The wolf-dog cross is being used to pull a sled and the
5 person has the wolf-dog cross under control on a secure harness.

6 (b) The wolf-dog cross is being exercised by the person, and
7 the person holds the wolf-dog cross under control on a secure
8 leash that is not more than 6 feet long.

9 (c) The wolf-dog cross is being allowed to exercise in a
10 fenced area on private property with the permission of the prop-
11 erty owner and the owner of the wolf-dog cross or the person tem-
12 porarily in possession of the wolf-dog cross is present.

13 (d) The person holds the wolf-dog cross under control on a
14 secure leash that is not more than 6 feet long and the wolf-dog
15 cross is being moved between any 2 of the following:

16 (i) A facility.

17 (ii) The dwelling of the person, pursuant to subsection
18 (2).

19 (iii) A shift cage, pursuant to subsection (4).

20 (iv) A vehicle, pursuant to section 7.

21 (v) A veterinarian's office or veterinary hospital.

22 (4) A wolf-dog cross may be kept in a shift cage while the
23 wolf-dog cross's facility is being cleaned. The shift cage shall
24 be of a size appropriate for the wolf-dog cross and of a con-
25 struction adequate to safely contain the wolf-dog cross.

1 (5) The owner or, except with respect to subdivisions (a)
2 and (b), the person temporarily in possession of a wolf-dog cross
3 shall do all of the following:

4 (a) Present a permit for the wolf-dog cross upon the request
5 of a law enforcement officer.

6 (b) Post and maintain signs on property on which the
7 wolf-dog cross is kept stating "A potentially dangerous wolf-dog
8 cross is kept on this property.". Each sign shall utilize block
9 letters at least 1/2 inch high. A sign shall be posted as
10 follows:

11 (i) At each fence gate providing access to a residence on
12 the property, providing access to a building in which the
13 wolf-dog cross's facility is located, or providing access to the
14 facility.

15 (ii) On the outside of each door providing access to a resi-
16 dence on the property or providing access to any building in
17 which the wolf-dog cross's facility is located.

18 (iii) On each side of the wolf-dog cross's facility, unless
19 the facility is located in a residence or other building.

20 (c) Not place the wolf-dog cross under the supervision of a
21 person less than 21 years of age.

22 (d) Not mistreat or neglect the wolf-dog cross or permit it
23 to be mistreated or neglected.

24 (e) Ensure that the conditions in which the wolf-dog cross
25 is kept, including, but not limited to, the following, are safe
26 and conducive to the wolf-dog cross's physical health and comfort
27 and promote normal behavior:

1 (i) Temperature.

2 (ii) Ventilation.

3 (iii) Humidity.

4 (f) Provide the wolf-dog cross with sufficient food, water,
5 shelter, sanitary conditions, and exercise to maintain the
6 wolf-dog cross in a state of good health.

7 (g) Ensure that the wolf-dog cross receives from a veteri-
8 narian, at the owner's expense, an annual checkup, including vac-
9 cinations, and other necessary medical care. The owner of a
10 wolf-dog cross shall maintain copies of the wolf-dog cross's vet-
11 erinary records and present the records upon request of a law
12 enforcement officer.

13 (h) When the wolf-dog cross dies, arrange to have the death
14 certified in writing by a veterinarian, law enforcement officer,
15 or the permitting agency. The veterinarian, law enforcement
16 officer, or permitting agency shall submit the certification to
17 to the department within 20 business days after the death.

18 Sec. 7. A person transporting a wolf-dog cross in a vehicle
19 shall comply with the standards in International Air Transport
20 Ass'n., Live Animal Regulations (26th ed., 1999) applicable to a
21 dog. In addition, a person transporting a wolf-dog cross in a
22 vehicle shall comply with all of the following requirements:

23 (a) The wolf-dog cross shall be individually and securely
24 caged, even while inside a passenger vehicle or in the bed of a
25 truck. However, a female wolf-dog cross and each of her unweaned
26 pups, if any, shall be transported in the same cage.

1 (b) The vehicle shall provide fresh air without injurious
2 drafts and provide adequate protection from the elements to the
3 wolf-dog cross.

4 (c) The wolf-dog cross's cargo area shall be as free as pos-
5 sible of engine exhaust fumes.

6 (d) Fecal and food wastes shall be removed from the wolf-dog
7 cross's transport cage on at least a daily basis.

8 (e) The temperature within the wolf-dog cross's cage shall
9 not be harmful to the wolf-dog cross's health.

10 (f) The wolf-dog cross's cage shall be large enough to
11 ensure that the wolf-dog cross has sufficient space to stand
12 erect, turn around, and lie naturally.

13 (g) The wolf-dog cross shall not be placed in an enclosure
14 over or next to another animal unless each enclosure has a fitted
15 floor or lateral partition that prevents excreta from entering
16 lower or adjacent enclosures.

17 (h) The wolf-dog cross shall be given potable water at least
18 twice daily and fed at least once daily, unless otherwise
19 directed by a veterinarian.

20 Sec. 8. A person shall not export or attempt to export a
21 wolf-dog cross to another state or country unless all of the fol-
22 lowing requirements are met:

23 (a) The import and possession of the wolf-dog cross are
24 lawful in the other state or country.

25 (b) The destination and proposed new owner of the wolf-dog
26 cross have been approved by the regulatory agency in the other
27 state or country having authority to do so, if any.

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1 Sec. 9. If a rabies vaccination becomes approved by the
2 federal government for use on a wolf-dog cross, the owner of a
3 wolf-dog cross shall have the wolf-dog cross vaccinated for
4 rabies by a veterinarian and shall keep the vaccination current.

5 Sec. 10. (1) If a wolf-dog cross potentially exposes a
6 human to rabies by any penetration of the skin by teeth, any
7 scratch that causes penetration of the skin, any abrasion that
8 causes penetration of the skin, or contamination of open wounds
9 or mucous membranes with saliva or other infectious material, the
10 owner or person temporarily in possession of the wolf-dog cross
11 shall report the potential exposure to the local health depart-
12 ment within 24 hours.

13 (2) If a wolf-dog cross potentially exposes livestock or a
14 mammalian pet to rabies by any penetration of the skin by teeth,
15 any scratch that causes penetration of the skin, any abrasion
16 that causes penetration of the skin, or contamination of open
17 wounds or mucous membranes with saliva or other infectious mate-
18 rial, the owner or person temporarily in possession of the
19 wolf-dog cross shall report the potential exposure to the permit-
20 ting agency within 24 hours.

21 (3) Except as provided in subsection (4), if a wolf-dog
22 cross potentially exposes a human, livestock, or mammalian pet to
23 rabies by any means identified in this section, the wolf-dog
24 cross shall be humanely euthanized by a veterinarian. The
25 wolf-dog cross shall be immediately examined for rabies in the
26 manner provided by rules promulgated under section 5111 of the
27 public health code, 1978 PA 368, MCL 333.5111.

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1 (4) If a wolf-dog cross potentially exposes a human,
2 livestock, or a mammalian pet to rabies by any means identified
3 in this section and, at the time of exposure, the owner or person
4 temporarily in possession of the wolf-dog cross provides a valid
5 certificate from a veterinarian indicating that the wolf-dog
6 cross, at least 30 days before the exposure, was vaccinated with
7 a rabies vaccine approved by the United States department of
8 agriculture, the owner or person temporarily in possession of the
9 wolf-dog cross may elect to have the wolf-dog cross quarantined
10 for a period of 10 days from the date of exposure. If the
11 wolf-dog cross dies, or develops any symptoms of rabies during
12 the quarantine period, as determined by a veterinarian, the
13 wolf-dog cross shall be humanely euthanized and examined for
14 rabies in the manner provided by rules promulgated under section
15 5111 of the public health code, 1978 PA 368, MCL 333.5111.

16 Sec. 11. (1) A law enforcement officer or other person may
17 kill a wolf-dog cross if the person sees the wolf-dog cross
18 attacking, injuring, or killing either of the following:

19 (a) A human.

20 (b) Livestock or poultry.

21 (2) A law enforcement officer may kill a wolf-dog cross if
22 the law enforcement officer sees the wolf-dog cross attacking,
23 injuring, or killing wildlife.

24 (3) A person is not liable in damages or otherwise for kil-
25 ling or attempting to kill a wolf-dog cross under subsection (1)
26 or (2).

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1 (4) This act does not prohibit the owner of a wolf-dog
2 cross, for which a permit has been issued if required under this
3 act, from recovering by legal action against a law enforcement
4 officer or other person the value of a wolf-dog cross illegally
5 killed by that law enforcement officer or other person.

6 (5) A wolf-dog cross's entry onto a field or enclosure that
7 is owned by or leased by a person producing livestock or poultry
8 constitutes a trespass, and the owner or person temporarily in
9 possession of the wolf-dog cross is liable in damages.

10 Sec. 12. (1) The owner or person temporarily in possession
11 of a wolf-dog cross is liable in a civil action for the death or
12 injury of a human and for property damage, including, but not
13 limited to, the death or injury of another animal, caused by the
14 wolf-dog cross. This act does not limit the common law liability
15 of the owner or person temporarily in possession of a wolf-dog
16 cross for the death or injury of a human or for property damage
17 caused by the wolf-dog cross.

18 (2) If a wolf-dog cross bites an individual without provoca-
19 tion while the individual is on public property or lawfully on
20 private property, including the property of the owner or person
21 temporarily in possession of the wolf-dog cross, the owner or
22 person temporarily in possession of the wolf-dog cross is liable
23 for any damages suffered by the individual bitten, regardless of
24 the former viciousness of the wolf-dog cross or the owner's or
25 person temporarily in possession's knowledge of such
26 viciousness. For the purposes of this subsection, an individual
27 is lawfully on the private property of the owner or person

1 temporarily in possession of the wolf-dog cross if the individual
2 is on that property in the performance of any duty imposed upon
3 him or her by the laws of this state or by the laws or postal
4 regulations of the United States, or if the individual is on that
5 property as an invitee or licensee of the person lawfully in pos-
6 session of the property, unless the individual has gained lawful
7 entry upon the property for the purpose of an unlawful or crimi-
8 nal act.

9 (3) If a wolf-dog cross escapes or is released, intention-
10 ally or unintentionally, the owner or person temporarily in pos-
11 session of the wolf-dog cross shall immediately contact a law
12 enforcement officer of the local unit where the escape or release
13 occurred to report the loss, escape, or release. The owner or
14 person temporarily in possession of the wolf-dog cross is liable
15 for all expenses associated with efforts to recapture the
16 wolf-dog cross that is released or escapes.

17 (4) The owner or person temporarily in possession of the
18 wolf-dog cross may bring against a person who is responsible in
19 whole or part for the escape or release of the wolf-dog cross a
20 civil action for damages, including, but not limited to, damages
21 and expenses under subsection (1), (2), or (3).

22 Sec. 13. (1) A facility is subject to inspection at reason-
23 able hours by a law enforcement officer to ensure compliance with
24 this act.

25 (2) Subject to subsection (3), if there is probable cause to
26 believe that this act is being violated, a law enforcement
27 officer shall do 1 of the following:

1 (a) Issue to the violator a notice of the violation under
2 section 14.

3 (b) Arrest the violator or seek a warrant for his or her
4 arrest, as appropriate under chapter IV of the code of criminal
5 procedure, 1927 PA 175, MCL 764.1 to 764.29, for a misdemeanor
6 under section 15.

7 (c) File a sworn complaint under section 16(3).

8 (3) If a law enforcement officer believes that a canid is a
9 wolf-dog cross but the owner of the canid is unable or unwilling
10 to verify that the canid is a wolf-dog cross, the law enforcement
11 officer, before enforcing this act, shall consult with an expert
12 on wolf-dog cross identification. The expert on wolf-dog cross
13 identification shall consider all relevant aspects of identifica-
14 tion, such as behavioral characteristics, and morphological
15 traits, including gait, and any necropsy results. Consultation
16 with an expert on wolf-dog cross identification is not a prereq-
17 uisite to enforcing this act for a violation of section 3(1)(d)
18 or (e).

19 Sec. 14. (1) If there is probable cause to believe this act
20 is being violated, a law enforcement officer may give notice of
21 the violation in writing to the owner of the wolf-dog cross. The
22 notice shall identify the violation and include a copy of this
23 act.

24 (2) Not more than 30 days after the notice is delivered, the
25 owner of the wolf-dog cross shall transfer ownership and posses-
26 sion of the wolf-dog cross or, subject to subsection (3), correct

1 the violation and shall notify the law enforcement officer of the
2 action taken.

3 (3) If the violation was failure to obtain a permit and the
4 violation was committed knowingly, not more than 14 days after
5 the notice is delivered, the owner of the wolf-dog cross shall
6 transfer ownership and possession of the wolf-dog cross and
7 notify the law enforcement officer of the action taken.

8 (4) A wolf-dog cross transferred under subsection (2) or (3)
9 shall be transferred to a person described in section 22(1)(a),
10 (b), (c), or (d). Notice that the wolf-dog cross was transferred
11 under this subsection shall include evidence of the transfer sat-
12 isfactory to the law enforcement officer.

13 (5) Unless the owner of the wolf-dog cross notifies the law
14 enforcement officer that the wolf-dog cross was transferred under
15 subsection (2) or (3), the law enforcement officer shall conduct
16 an inspection at a reasonable time not less than 30 days after
17 notice of the violation was delivered. When the second inspec-
18 tion is conducted, the owner of the wolf-dog cross shall pay an
19 inspection fee of \$25.00 or actual, reasonable costs of the
20 inspection, whichever is greater, to the law enforcement
21 officer.

22 (6) If the law enforcement officer finds that the owner of
23 the wolf-dog cross has not complied with subsection (2) or (3),
24 the law enforcement officer shall seek forfeiture of the wolf-dog
25 cross under section 16.

26 Sec. 15. (1) Subject to subsection (2), a person who
27 violates this act is guilty of a misdemeanor. The person shall

1 be punished by a fine of not less than \$250.00 or more than
2 \$1,000.00, plus costs of prosecution. However, a person who
3 fails to obtain a permit as required by this act shall be pun-
4 ished by a fine, for each wolf-dog cross for which the permit was
5 required, of not less than \$500.00 or more than \$2,000.00, plus
6 costs of prosecution. In addition, a person who violates this
7 act may be punished by 1 or more of the following:

8 (a) Imprisonment for not more than 93 days.

9 (b) Community service work for not more than 500 hours.

10 (c) The loss of privileges to own or possess any animal.

11 (2) Subsection (1) does not apply to a law enforcement offi-
12 cer, veterinarian, or permitting agency with respect to the per-
13 formance of the duties of a law enforcement officer, veterinari-
14 an, or permitting agency under this act.

15 Sec. 16. (1) If a person who owns or possesses a wolf-dog
16 cross violates this act, that wolf-dog cross and any other
17 wolf-dog crosses owned by that person are subject to civil
18 forfeiture.

19 (2) The prosecuting attorney in an action under section 15
20 may file a petition requesting that the court issue an order for
21 civil forfeiture of all of the wolf-dog crosses owned by the
22 person violating this act.

23 (3) Any person may file with a court having jurisdiction a
24 complaint alleging that a person is violating this act and
25 requesting the court to order the civil forfeiture of all of the
26 wolf-dog crosses owned by that person.

1 Sec. 17. (1) A law enforcement officer shall seize a
2 wolf-dog cross pursuant to an order of seizure issued by the
3 court having jurisdiction over the wolf-dog cross upon a showing
4 of probable cause that the wolf-dog cross is subject to forfei-
5 ture under section 16(1).

6 (2) A wolf-dog cross subject to forfeiture under section
7 16(1) may be seized under any of the following circumstances:

8 (a) The seizure is incident to a lawful arrest for a viola-
9 tion of this act.

10 (b) The seizure is pursuant to a valid search warrant.

11 (c) The seizure is pursuant to an inspection under a valid
12 administrative inspection warrant.

13 (d) There is probable cause to believe that the conditions
14 under which the wolf-dog cross or any other wolf-dog cross owned
15 by the same person is kept are directly or indirectly dangerous
16 to human or animal health or safety.

17 (e) Exigent circumstances exist that preclude obtaining a
18 court order, and there is probable cause to believe that this act
19 has been violated.

20 (f) The wolf-dog cross or any other wolf-dog cross owned by
21 the same person is the subject of a prior judgment in favor of
22 this state in a forfeiture proceeding.

23 (3) If a seizure is to be accomplished by capture, tranquil-
24 ization or other humane methods shall be used for the capture.

25 (4) A wolf-dog cross seized under this act is not subject to
26 any other action to recover personal property, but is considered
27 to be in the custody of the seizing agency subject only to

1 subsection (5) and sections 18 and 19, or to an order and
2 judgment of the court having jurisdiction over the forfeiture
3 proceedings. When a wolf-dog cross is seized under this act, the
4 law enforcement officer may remove the wolf-dog cross to a place
5 designated by the court.

6 (5) A wolf-dog cross that belongs to the victim of a crime
7 shall promptly be returned to the victim, except in the following
8 circumstances:

9 (a) When the crime victim last possessed the wolf-dog cross,
10 he or she was in violation of section 4.

11 (b) If the ownership of the wolf-dog cross is disputed,
12 until the dispute is resolved.

13 (c) If the property is required to be retained as evidence
14 pursuant to section 4(4) of the crime victim's rights act, 1985
15 PA 87, MCL 780.754.

16 Sec. 18. (1) A law enforcement officer may return a seized
17 wolf-dog cross to the owner of the wolf-dog cross if the law
18 enforcement officer is satisfied that the conditions resulting in
19 the seizure have been corrected. If the wolf-dog cross was
20 seized pursuant to process issued by a court, the law enforcement
21 officer shall obtain approval of the court before returning the
22 wolf-dog cross.

23 (2) Unless the wolf-dog cross has been returned, the law
24 enforcement officer shall, within 10 days after the wolf-dog
25 cross is seized, give written notice of the seizure and intent to
26 forfeit the wolf-dog cross to each of the following persons:

1 (a) The owner of the wolf-dog cross.

2 (b) Each person with a known ownership interest in the
3 wolf-dog cross.

4 (c) Any person who was injured or whose property was damaged
5 by the wolf-dog cross.

6 (3) The notice required under subsection (2) shall be deliv-
7 ered in person or sent by certified mail. If the name and
8 address of the person are not reasonably ascertainable or per-
9 sonal delivery of the notice cannot reasonably be accomplished,
10 the notice shall be published in a newspaper of general circula-
11 tion in the county in which the wolf-dog cross was seized for 10
12 successive publishing days. Proof of written notice or publica-
13 tion shall be filed with the court having jurisdiction over the
14 seizure or forfeiture.

15 (4) The law enforcement officer shall immediately after sei-
16 zure of the wolf-dog cross notify the prosecuting attorney for
17 the county in which the wolf-dog cross was seized or, if the
18 attorney general is actively handling a case involving or relat-
19 ing to the wolf-dog cross, the attorney general of the seizure of
20 the wolf-dog cross and any intent to forfeit the wolf-dog cross
21 under this act.

22 Sec. 19. (1) The owner of a wolf-dog cross may file a
23 motion with the court having jurisdiction to return the wolf-dog
24 cross on the grounds that the wolf-dog cross was illegally seized
25 or that the wolf-dog cross is not subject to forfeiture under
26 this act. The court shall hear the motion within 30 days after
27 the motion is filed.

1 (2) At the hearing on the motion filed under subsection (1),
2 the attorney general, or the attorney for the local unit in which
3 the wolf-dog cross was seized, shall establish probable cause to
4 believe that the wolf-dog cross is subject to forfeiture under
5 this act and, if the owner claims the wolf-dog cross was ille-
6 gally seized, that the wolf-dog cross was properly seized.

7 (3) If the attorney general or the attorney for the local
8 unit in which the wolf-dog cross was seized fails to sustain his
9 or her burden of proof under subsection (2), the court shall
10 order the return of the wolf-dog cross.

11 (4) The testimony of a person at a hearing held under this
12 section is not admissible against him or her in any criminal pro-
13 ceeding except in a criminal prosecution for perjury. The testi-
14 mony of a person at a hearing held under this section does not
15 waive the person's constitutional right against
16 self-incrimination.

17 Sec. 20. (1) A law enforcement officer shall return a
18 seized wolf-dog cross to the owner of the wolf-dog cross within 7
19 days after the occurrence of any of the following:

20 (a) The failure to issue a warrant against the owner or
21 person temporarily in possession of the wolf-dog cross for commit-
22 ting a misdemeanor under section 15 or to file a complaint under
23 section 16(3) within 10 days after the wolf-dog cross is seized.

24 (b) The dismissal of charges against the owner or person
25 temporarily in possession of the wolf-dog cross under section 15
26 or of a complaint under section 16(3), as applicable.

1 (c) The court's determination that an order for the wolf-dog
2 cross to be forfeited shall not be entered.

3 (d) The acquittal of the owner or person temporarily in pos-
4 session of the wolf-dog cross of any charges under section 15.

5 (e) Entry of a court order under this act for the return of
6 the wolf-dog cross.

7 (2) If a wolf-dog cross is returned under subsection (1),
8 the law enforcement officer shall give written notice to the per-
9 sons who received notice under section 18 that the wolf-dog cross
10 has been returned. The notice under this subsection shall be
11 delivered in person or sent by certified mail. If the name and
12 address of the person are not reasonably ascertainable or per-
13 sonal delivery of the notice cannot reasonably be accomplished,
14 the notice shall be published in a newspaper of general circula-
15 tion in the county in which the wolf-dog cross was seized for 10
16 successive publishing days.

17 (3) If the court orders a wolf-dog cross to be forfeited,
18 the order of forfeiture shall direct that each wolf-dog cross be
19 transferred to a wildlife sanctuary approved by the association
20 of sanctuaries, an animal protection shelter, or a zoo accredited
21 by the American zoo and aquarium association, where the wolf-dog
22 cross will be safely and humanely cared for as provided by this
23 act. However, subject to section 10, if the wolf-dog cross
24 killed or injured a human or an animal, the order of forfeiture
25 may direct that the wolf-dog cross be humanely euthanized by a
26 veterinarian. An order of forfeiture shall also revoke any
27 permit that may have been issued for the wolf-dog cross under

1 section 4 and order payment of costs under subsection (4). The
2 forfeiture is a civil forfeiture.

3 (4) If a wolf-dog cross is seized, the owner of the wolf-dog
4 cross is liable for the costs of placement and care for the
5 wolf-dog cross from the time of seizure until the time of return
6 or forfeiture and, if a wolf-dog cross is ordered to be forfeited
7 and euthanized, for the costs of humanely euthanizing and dispos-
8 ing of the wolf-dog cross. This subsection does not apply if the
9 wolf-dog cross is returned under subsection (1) or section 19.

10 Sec. 21. (1) A local unit may adopt an ordinance governing
11 wolf-dog crosses that is more restrictive than this act.

12 (2) The requirements of this act are in addition to any
13 other requirements governing a wolf-dog cross under state and
14 federal law.

15 Sec. 22. (1) Sections 4, 5, and 6 do not apply to any of
16 the following:

17 (a) An animal control shelter or animal protection shelter.

18 (b) A person licensed or approved by the department of natu-
19 ral resources of this state or by the United States fish and
20 wildlife service of the United States department of the
21 interior.

22 (c) A zoological park approved or accredited by the American
23 zoo and aquarium association.

24 (d) A person approved by the association of sanctuaries.

25 (e) A law enforcement officer acting under the authority of
26 this act.

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1 (f) A veterinarian temporarily in possession of a wolf-dog
2 cross to provide veterinary care for or humanely euthanize the
3 wolf-dog cross.

4 (2) Sections 4, 5, 6(1)(d) to (5)(b), 8, and 14(3) do not
5 apply to a person who is not a resident of this state and who is
6 in this state only for the purpose of travel between locations
7 outside of this state.

8 Sec. 23. The department shall provide each pet shop, animal
9 control shelter, and animal protection shelter with information
10 on the requirements of this act.