

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 impose fees; to prescribe the powers and duties of certain governmental entities and officials; 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,
8 or township animal control officer as described in section 29c of
9 the dog law of 1919, 1919 PA 339, MCL 287.289c.

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

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

6 (d) "Dog" means an animal of the species *Canis familiaris*.

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

9 (f) "Law enforcement authority" means:

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

11 (ii) A village or township marshal.

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

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

15 (v) A peace officer who is trained and certified under the
16 commission on law enforcement standards act, 1965 PA 203, MCL
17 28.601 to 28.616.

18 (vi) A conservation officer appointed by the department of
19 natural resources.

20 (vii) An animal control officer of a local unit of
21 government.

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

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

26 (h) "Local unit" means a city, village, township, or
27 county.

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1 (i) "Permit" means a permit issued under section 4.

2 (j) "Permitting agency" means the agency of a local unit
3 that issues permits under section 4.

4 (k) "Person" means an individual, partnership, corporation,
5 association, governmental entity, or other legal entity.

6 (l) "Pet shop" means a pet shop licensed by the department
7 under section 3 of 1969 PA 287, MCL 287.333.

8 (m) "Transfer" means to be a party to a transfer of posses-
9 sion or ownership, with or without remuneration.

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

13 (o) "Wolf" means an animal of the species *Canis lupus* or
14 *Canis rufus*.

15 (p) "Wolf-dog cross" means a canid that is any of the
16 following:

17 (i) A wolf with a dog.

18 (ii) Two wolf-dog crosses.

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

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

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

22 (a) Possess a wolf-dog cross except in compliance with this
23 act.

24 (b) Transfer a wolf-dog cross unless the person is exporting
25 it to another state or country in compliance with section 8 or
26 the transfer is in compliance with section 14(2) or 20(3).

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1 (c) Breed a wolf-dog cross.

2 (2) There is an irrebuttable presumption that a canid is a
3 wolf-dog cross if the canid is or has been represented by the
4 breeder, owner, or person in possession, whether by advertise-
5 ments, registration papers, sworn statements, or any other
6 method, as a wolf-dog cross.

7 (3) Subject to subsection (4), there is a rebuttable pre-
8 sumption that a canid is a wolf-dog cross if \pm 4 or more of the
9 following morphological traits of the canid are characteristic of
10 a wolf-dog cross:

11 (a) Muzzle, from eyes to tip of nose.

12 (b) Canine teeth.

13 (c) Shoulder height.

14 (d) Body length.

15 (e) Eye color.

16 (f) Orbital angle.

17 (g) Weight.

18 (h) Chest width.

19 (i) Dew claw.

20 (j) Supra caudal gland.

21 (k) Coat.

22 (l) Front paws.

23 (m) Tail.

24 (n) Ears.

25 (4) There is an irrebuttable presumption that a canid is a
26 wolf-dog cross if a wolf-dog cross expert identifies the canid as
27 a wolf-dog cross because \pm 4 or more of the morphological traits of

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1 the canid listed in subsection (3) are characteristic of a
2 wolf-dog cross.

3 Sec. 4. (1) Subject to section 22, a person shall not pos-
4 sess 1 or more wolf-dog crosses unless the person owns the
5 wolf-dog crosses, was in possession of those individual wolf-dog
6 crosses on the effective date of this act, applies for a permit
7 for those wolf-dog crosses within 90 days after the effective
8 date of this act, and obtains a permit for those wolf-dog
9 crosses. The permit applies only to those individual wolf-dog
10 crosses. The permit is not transferable to another person except
11 through testate or intestate succession. The permit is valid in
12 any local unit in which the possession of the wolf-dog crosses is
13 not prohibited by ordinance.

14 (2) A person shall file an application for a permit with the
15 person specified by the first of the following subdivisions that
16 applies:

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

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

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

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1 (d) If subdivision (a), (b), or (c) does not apply, with the
2 county sheriff of the county where the wolf-dog crosses are
3 kept.

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

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

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

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

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

16 (i) Specifies the number of wolf-dog crosses owned by the
17 applicant.

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

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

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

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

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

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

4 (c) The applicant has not been convicted of or found respon-
5 sible for violating a local ordinance or state law prohibiting
6 neglect or mistreatment of an animal and has not within the past
7 10 years been convicted of a felony.

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

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

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

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

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

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

21 (d) The name and address of the veterinarian who is expected
22 to provide veterinary care to the wolf-dog cross.

23 (e) Any other reasonable information as determined by the
24 local unit, which may include, but need not be limited to, a des-
25 ignation of permits required by a local unit, the department, the
26 department of community health, the department of natural
27 resources, the United States department of agriculture, or the

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1 fish and wildlife service of the United States department of the
2 interior.

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

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

9 Sec. 5. Subject to section 22, the owner of a wolf-dog
10 cross shall have an identification number placed in the wolf-dog
11 cross via subcutaneous microchip, at the expense of the owner, by
12 or under the supervision of a veterinarian.

13 Sec. 6. (1) The wolf-dog cross shall not be tethered out-
14 doors, such as on a leash or chain, or allowed to run at-large.
15 Except as otherwise provided in this section or section 7, the
16 wolf-dog cross shall be constantly kept in a facility that meets
17 all of the following requirements:

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

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

24 (c) Is well braced and securely anchored at ground level or,
25 if the facility is located in a residence or other building, at
26 floor level and utilizes metal clamps, ties, or braces of a

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1 strength sufficient for cage construction for the wolf-dog
2 cross.

3 (d) Is enclosed within a secondary fence that is located at
4 least 3 feet outside of the walls of the facility and is adequate
5 to prevent a human from coming into contact with the wolf-dog
6 cross.

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

9 (f) Has a floor area of at least 900 square feet, plus an
10 additional 450 square feet for each wolf-dog cross in excess of 1
11 kept in the facility.

12 (2) The owner of a wolf-dog cross may, on a permanent or
13 temporary basis, keep the wolf-dog cross in the person's resi-
14 dence and not in a facility if the wolf-dog cross is under the
15 supervision of a person 21 years of age or older.

16 (3) The owner of a wolf-dog cross may take the wolf-dog
17 cross outdoors if 1 of the following applies:

18 (a) The wolf-dog cross is being used to pull a sled and the
19 owner holds the wolf-dog cross under control on a secure
20 harness.

21 (b) The wolf-dog cross is being exercised by the owner and
22 the owner holds the wolf-dog cross under control on a secure
23 leash.

24 (c) The owner holds the wolf-dog cross under control on a
25 secure leash and the wolf-dog cross is being moved between any 2
26 of the following:

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1 (i) The wolf-dog cross's facility.

2 (ii) The residence of the owner of the wolf-dog cross,
3 pursuant to subsection (2).

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

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

6 (4) The owner of a wolf-dog cross shall comply with all of
7 the following requirements:

8 (a) The owner shall present a permit for the wolf-dog cross
9 upon the request of a law enforcement authority.

10 (b) The owner shall not place the wolf-dog cross under the
11 supervision of a person less than 21 years of age.

12 (c) The owner shall post and maintain signs on property on
13 which the wolf-dog cross is kept stating "A potentially dangerous
14 wolf-dog cross is kept on this property.". Each sign shall uti-
15 lize block letters at least 1/2 inch high. A sign shall be
16 posted as follows:

17 (i) At each fence gate providing access to a residence on
18 the property, providing access to a building in which the
19 wolf-dog cross's facility is located, or providing access to the
20 facility.

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

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

26 (d) The wolf-dog cross shall not be mistreated or
27 neglected.

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1 (e) The conditions in which the wolf-dog cross is kept,
2 including, but not limited to, the following, shall be safe and
3 conducive to the wolf-dog cross's physical health and comfort and
4 shall promote normal behavior:

5 (i) Temperature.

6 (ii) Ventilation.

7 (iii) Humidity.

8 (iv) Drainage.

9 (v) Sanitation.

10 (vi) Diet.

11 (vii) Exercise.

12 (f) Potable drinking water shall be provided at least twice
13 daily in a clean, accessible container, unless otherwise directed
14 by a veterinarian.

15 (g) Swimming or wading pools shall be cleaned as needed to
16 ensure sufficiently sanitary water quality.

17 (h) There shall be adequate drainage of surface water from
18 the facility.

19 (i) Food shall be unspoiled and not contaminated with
20 insects, fecal material, or any other substance that may cause
21 the food to be unpalatable, that may decrease the nutrient value
22 of the food, or that may pose a health risk to the wolf-dog
23 cross.

24 (j) Fecal and food wastes shall be removed from the facility
25 daily and stored or disposed of in a manner that prevents noxious
26 odors, insect pests, or risks to human or animal health or the
27 environment. Hard floors shall be scrubbed and disinfected

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1 weekly. Large facilities with dirt floors shall be raked every
2 day and the raked waste removed every day.

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

7 (l) At the expense of the owner of the wolf-dog cross, care
8 for the wolf-dog cross shall be provided by a veterinarian as
9 needed. The veterinarian shall keep up-to-date records of the
10 care and retain the records until the wolf-dog cross dies.

11 (m) When the wolf-dog cross dies, the owner of the wolf-dog
12 cross shall arrange to have the death certified in writing by a
13 veterinarian, law enforcement authority, or the permitting
14 agency. The veterinarian, law enforcement authority, or permit-
15 ting agency shall submit the certification to to the department
16 within 20 business days after the death.

17 (5) This section is subject to section 22.

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.

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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 licensed 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. (1) If a wolf-dog cross potentially exposes a human
2 to rabies by any penetration of the skin by teeth, any scratch
3 that causes penetration of the skin, any abrasion that causes
4 penetration of the skin, or contamination of open wounds or
5 mucous membranes with saliva or other infectious material, the
6 owner of the wolf-dog cross shall report the potential exposure
7 to the local health department within 24 hours.

8 (2) If a wolf-dog cross potentially exposes livestock or a
9 mammalian pet to rabies by any penetration of the skin by teeth,
10 any scratch that causes penetration of the skin, any abrasion
11 that causes penetration of the skin, or contamination of open
12 wounds or mucous membranes with saliva or other infectious mate-
13 rial, the owner of the wolf-dog cross shall report the potential
14 exposure to the permitting agency within 24 hours.

15 (3) If a wolf-dog cross potentially exposes a human, live-
16 stock, or mammalian pet to rabies by any means identified in
17 subsection (1), the wolf-dog cross shall be humanely euthanized
18 by a veterinarian. The wolf-dog cross shall be immediately
19 examined for rabies in the manner provided by rules promulgated
20 under section 5111 of the public health code, 1978 PA 368,
21 MCL 333.5111.

22 Sec. 10. If a rabies vaccination becomes approved by the
23 federal government for use on a wolf-dog cross, the owner of a
24 wolf-dog cross shall have the wolf-dog cross vaccinated for
25 rabies by a veterinarian.

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1 Sec. 11. (1) A law enforcement authority or other person
2 may kill a wolf-dog cross if the person sees the wolf-dog cross
3 chasing or attacking either of the following:

4 (a) A person.

5 (b) Livestock, poultry, or any other animal.

6 (2) A person is not liable in damages or otherwise for kil-
7 ling or attempting to kill a wolf-dog cross under subsection
8 (1).

9 (3) A wolf-dog cross's entry onto a field or enclosure that
10 is owned by or leased by a person producing livestock or poultry
11 constitutes a trespass, and the owner of the wolf-dog cross is
12 liable in damages.

13 Sec. 12. (1) The owner of a wolf-dog cross is liable in a
14 civil action for the death or injury of a person and for property
15 damage, including, but not limited to, the death or injury of
16 another animal, caused by the wolf-dog cross.

17 (2) If a wolf-dog cross escapes or is released, intention-
18 ally or unintentionally, the owner of the wolf-dog cross shall
19 immediately contact a law enforcement officer of the local unit
20 where the escape or release occurred to report the loss, escape,
21 or release. The owner of the wolf-dog cross is liable for all
22 expenses associated with efforts to recapture the wolf-dog cross
23 that is released or escapes.

24 (3) The owner of the wolf-dog cross may bring against a
25 person who is responsible in whole or part for the escape or
26 release of the wolf-dog cross a civil action for damages,

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1 including, but not limited to, damages and expenses under
2 subsections (1) and (2).

3 Sec. 13. (1) The facility where a wolf-dog cross is kept in
4 captivity is subject to inspection at reasonable hours by a law
5 enforcement authority to ensure compliance with this act.

6 (2) If there is probable cause to believe that this act is
7 being violated, a law enforcement authority shall do 1 of the
8 following:

9 (a) Issue to the owner of the wolf-dog cross a notice of the
10 violation under section 14.

11 (b) Arrest the owner of the wolf-dog cross or seek a warrant
12 for his or her arrest, as appropriate under chapter IV of the
13 code of criminal procedure, 1927 PA 175, MCL 764.1 to 764.29, for
14 a misdemeanor under section 15.

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

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

21 (2) Not more than 30 days after the notice is delivered, the
22 owner of the wolf-dog cross shall transfer the wolf-dog cross or,
23 subject to subsection (3), correct the violation and shall notify
24 the law enforcement authority of the action taken.

25 (3) If the violation was failure to obtain a permit and the
26 violation was committed knowingly, not more than 14 days after
27 the notice is delivered, the owner of the wolf-dog cross shall

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1 transfer the wolf-dog cross and notify the law enforcement
2 authority of the action taken.

3 (4) A wolf-dog cross transferred under subsection (2) or (3)
4 shall be transferred to a person described in section 22(a), (b),
5 (c), or (d). Notice that the wolf-dog cross was transferred
6 under this subsection shall include evidence of the transfer sat-
7 isfactory to the law enforcement authority.

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

17 (6) If the law enforcement authority finds that the owner of
18 the wolf-dog cross has not complied with subsection (2) or (3),
19 the law enforcement authority shall seek forfeiture of the
20 wolf-dog cross under section 16.

21 Sec. 15. A person who violates this act, other than a law
22 enforcement authority, veterinarian, or permitting agency, is
23 guilty of a misdemeanor. The person shall be punished by a fine
24 of not less than \$250.00, plus costs of prosecution, or if the
25 person failed to obtain a permit for the wolf-dog cross, by a
26 fine of not less than \$500.00, plus costs of prosecution. In

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1 addition, the person may be punished by 1 or more of the
2 following:

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

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

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

6 Sec. 16. (1) If a person who owns or possesses a wolf-dog
7 cross violates this act, that wolf-dog cross and any other
8 wolf-dog cross owned by that person is subject to civil
9 forfeiture.

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

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

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

23 (2) A wolf-dog cross subject to forfeiture under section
24 16(1) may be seized without process under any of the following
25 circumstances:

26 (a) The seizure is incident to a lawful arrest for a
27 violation of this act.

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

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

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

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

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

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

16 (4) A wolf-dog cross seized under this act is not subject to
17 any other action to recover personal property, but is considered
18 to be in the custody of the seizing agency subject only to sub-
19 section (5) and sections 18 and 19, or to an order and judgment
20 of the court having jurisdiction over the forfeiture
21 proceedings. When a wolf-dog cross is seized under this act, the
22 law enforcement authority may remove the wolf-dog cross to a
23 place designated by the court.

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

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

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

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

8 Sec. 18. (1) A law enforcement authority may return a
9 seized wolf-dog cross to the owner of the wolf-dog cross if the
10 law enforcement authority is satisfied that the conditions
11 resulting in the seizure have been corrected. If the wolf-dog
12 cross was seized pursuant to process issued by a court, the law
13 enforcement authority shall obtain approval of the court before
14 returning the wolf-dog cross.

15 (2) Unless the wolf-dog cross has been returned, the law
16 enforcement authority shall, within 10 days after the wolf-dog
17 cross is seized, give written notice of the seizure and intent to
18 forfeit the wolf-dog cross to each of the following persons:

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

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

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

24 (3) The notice required under subsection (2) shall be deliv-
25 ered in person or sent by certified mail. If the name and
26 address of the person are not reasonably ascertainable or
27 personal delivery of the notice cannot reasonably be

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1 accomplished, the notice shall be published in a newspaper of
2 general circulation in the county in which the wolf-dog cross was
3 seized for 10 successive publishing days. Proof of written
4 notice or publication shall be filed with the court having juris-
5 diction over the seizure or forfeiture.

6 (4) The law enforcement authority shall immediately after
7 seizure of the wolf-dog cross notify the prosecuting attorney for
8 the county in which the wolf-dog cross was seized or, if the
9 attorney general is actively handling a case involving or relat-
10 ing to the wolf-dog cross, the attorney general of the seizure of
11 the wolf-dog cross and any intent to forfeit the wolf-dog cross
12 under this act.

13 Sec. 19. (1) A person may file a motion with the court
14 having jurisdiction to return the wolf-dog cross on the grounds
15 that the wolf-dog cross was illegally seized or that the wolf-dog
16 cross is not subject to forfeiture under this act. The court
17 shall hear the motion within 30 days after the motion is filed.

18 (2) At the hearing on the motion filed under subsection (1),
19 the attorney general, or the attorney for the local unit in which
20 the wolf-dog cross was seized, shall establish probable cause to
21 believe that the wolf-dog cross is subject to forfeiture under
22 this act and, if the person filing the motion claims the wolf-dog
23 cross was illegally seized, that the wolf-dog cross was properly
24 seized.

25 (3) If the attorney general or the attorney for the local
26 unit in which the wolf-dog cross was seized fails to sustain his

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1 or her burden of proof under subsection (2), the court shall
2 order the return of the wolf-dog cross.

3 (4) The testimony of a person at a hearing held under this
4 section is not admissible against him or her in any criminal pro-
5 ceeding except in a criminal prosecution for perjury. The testi-
6 mony of a person at a hearing held under this section does not
7 waive the person's constitutional right against
8 self-incrimination.

9 Sec. 20. (1) A law enforcement authority shall return a
10 seized wolf-dog cross to the owner of the wolf-dog cross within 7
11 days after the occurrence of any of the following:

12 (a) The failure to issue a warrant against the owner of the
13 wolf-dog cross for committing a misdemeanor under section 15 or
14 to file a complaint under section 16(3) within 10 days after the
15 wolf-dog cross is seized.

16 (b) The dismissal of charges against the owner of the
17 wolf-dog cross under section 15 or of a complaint under
18 section 16(3), as applicable.

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

21 (d) The acquittal of the owner of the wolf-dog cross of any
22 charges under section 15.

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

25 (2) If a wolf-dog cross is returned under subsection (1),
26 the law enforcement authority shall give written notice to the
27 persons who received notice under section 18 that the wolf-dog

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1 cross has been returned. The notice under this subsection shall
2 be delivered in person or sent by certified mail. If the name
3 and address of the person are not reasonably ascertainable or
4 personal delivery of the notice cannot reasonably be accom-
5 plished, the notice shall be published in a newspaper of general
6 circulation in the county in which the wolf-dog cross was seized
7 for 10 successive publishing days.

8 (3) If the court orders a wolf-dog cross to be forfeited,
9 the order of forfeiture shall direct that each wolf-dog cross be
10 transferred to a wildlife sanctuary approved by the association
11 of sanctuaries, an animal protection shelter, or a zoo accredited
12 by the American zoo and aquarium association, where the wolf-dog
13 cross will be safely and humanely cared for as provided by this
14 act. However, subject to section 9, if the wolf-dog cross killed
15 or injured a human or an animal, the order of forfeiture may
16 direct that the wolf-dog cross be humanely euthanized by a
17 veterinarian. An order of forfeiture shall also revoke any
18 permit that may have been issued for the wolf-dog cross under
19 section 4 and order payment of costs under subsection (4). The
20 forfeiture is a civil forfeiture.

21 (4) If a wolf-dog cross is seized, the owner of the wolf-dog
22 cross is liable for the costs of placement and care for the
23 wolf-dog cross from the time of seizure until the time of return
24 or forfeiture and, if a wolf-dog cross is ordered to be forfeited
25 and euthanized, for the costs of humanely euthanizing and dispos-
26 ing of the wolf-dog cross. This subsection does not apply if the
27 wolf-dog cross is returned under subsection (1) or section 19.

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

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

6 Sec. 22. Sections 4, 5, and 6 do not apply to any of the
7 following:

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

9 (b) A person licensed or approved by the department of natu-
10 ral resources of this state or by the United States fish and
11 wildlife service of the United States department of the
12 interior.

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

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

16 (e) A law enforcement officer acting under the authority of
17 this act.

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

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