



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 1404 (Substitute S-1 as reported)
Senate Bill 1405 (Substitute S-1 as reported)
Sponsor: Senator Mike Goschka
Committee: Judiciary

(as enrolled)

Date Completed: 10-4-05

RATIONALE

The Michigan Penal Code prohibits and provides criminal penalties for intentionally killing or causing serious physical harm to a police dog or horse, or intentionally injuring, or harassing or interfering with, a police dog or police horse. Some people believe that those prohibitions and penalties also should apply to actions taken against search and rescue dogs, which typically are owned by independent handlers who volunteer their services with search and rescue teams. The Code also prohibits and provides felony penalties for assaulting, wounding, resisting, or endangering certain law enforcement or other emergency personnel, if the offender knows or has reason to know the person is performing his or her duties. It has been suggested that those penalties should be extended to such actions against a person engaged in a search and rescue operation.

CONTENT

Senate Bills 1404 (S-1) and 1405 (S-1) would amend the Michigan Penal Code and the Code of Criminal Procedure, respectively, to do all of the following:

- **Include a search and rescue dog in current prohibitions against killing, injuring, or harassing or interfering with a police dog or police horse, and increase the maximum fines that apply to those offenses.**
- **Include search and rescue personnel in current prohibitions against assaulting, battering, wounding, resisting, obstructing, opposing, or endangering law enforcement or other emergency personnel.**
- **Revise the sentencing guidelines to reflect the inclusion of a search and rescue dog in prohibitions against**

harming or interfering with police animals.

Under Senate Bill 1404 (S-1), "search and rescue dog" would mean a dog that is trained for, being trained for, or engaged in a search and rescue operation. "Search and rescue operation" would mean an effort conducted at the direction of an agency of this State or of a political subdivision of this State to locate or rescue a lost, injured, or deceased individual.

Senate Bill 1405 (S-1) is tie-barred to Senate Bill 1404.

Senate Bill 1404 (S-1)**Search & Rescue/Law Enforcement Animal**

The Penal Code prohibits and prescribes criminal penalties for certain actions against a police dog or police horse, as shown in [Table 1](#).

Table 1
Existing Prohibitions & Penalties

Violation	Level	Max. Term & Fine
Intentionally killing or causing serious physical harm to a police dog or horse	Felony	5 years; \$2,500
Intentionally causing physical harm to, or intentionally harassing or interfering with, a police dog or horse	Misdemeanor	1 year; \$1,000
Intentionally causing physical harm to, or intentionally harassing or interfering with, a police dog or horse, while committing a crime	Felony	2 years; \$1,500

The bill would include a search and rescue dog in those prohibitions and increase the maximum fines, as shown in Table 2.

Table 2
Proposed Prohibitions & Penalties

Violation	Level	Max. Term & Fine
Intentionally killing or causing serious physical harm to a police dog, police horse, or search and rescue dog	Felony	5 years; \$10,000
Intentionally causing physical harm to, or intentionally harassing or interfering with, a police dog, police horse, or search and rescue dog	Misdemeanor	1 year; \$5,000
Intentionally causing physical harm to, or intentionally harassing or interfering with, a police dog, police horse, or search and rescue dog, while committing a crime	Felony	2 years; \$15,000

("Physical harm" means any injury to a dog's or horse's physical condition. "Serious physical harm" means any injury to a dog's or horse's physical condition or welfare that is not necessarily permanent but that constitutes substantial body disfigurement, or that seriously impairs the function of a body organ or limb.)

Emergency Personnel

The Penal Code prescribes criminal penalties for an individual who assaults, batters, wounds, resists, obstructs, opposes, or endangers a person whom the individual knows or has reason to know is performing his or her duties. "Person" means any of the following:

- A police officer of this State or of a political subdivision of this State, including a motor carrier officer or Capitol security officer of the Department of State Police.
- A police officer of a junior college, college, or university who is authorized to enforce State law and the rules and ordinances of that institution.

- A Department of Natural Resources or Department of Environmental Quality conservation officer.
- A U.S. Department of the Interior conservation officer.
- A sheriff or deputy sheriff.
- A constable.
- A peace officer of a duly authorized police agency of the United States, including an agent of the Secret Service or Department of Justice.
- A firefighter.
- Emergency medical service personnel.

The bill would include in the definition of "person" an individual engaged in a search and rescue operation.

Senate Bill 1405 (S-1)

The bill would revise the sentencing guidelines by including a search and rescue dog in the guidelines descriptions for killing, injuring, or harassing a law enforcement animal, as shown in Table 3.

Table 3
Sentencing Guidelines

Violation	Class	Category	Statutory Max. Sentence
Killing or causing serious physical harm to law enforcement animal or search and rescue dog	E	Public Order	5 years
Harassing or causing harm to a law enforcement animal or search and rescue dog while committing a crime	H	Public Safety	2 years

MCL 750.50c & 750.81d (S.B. 1404)
777.16b (S.B. 1405)

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

Police dogs and horses assist law enforcement officers in the performance of their duties, and it is appropriate that killing,

injuring, or interfering with them is a criminal offense. Search and rescue dogs provide a similarly valuable service by assisting volunteers who aid emergency responders such as police, firefighters, and paramedics. The animals are trained for locating or rescuing lost, injured, or deceased individuals and are used in conjunction with law enforcement agencies or emergency services organizations. For instance, search and rescue dogs and their handlers reportedly were used extensively in the aftermath of both the September 11, 2001, terrorist attacks and Hurricane Katrina. By including search and rescue dogs in provisions that prohibit harming or interfering with police animals, the bills would give search and rescue dogs the same level of protection afforded to police dogs and horses to do their work unimpeded.

would incur the cost of felony probation at an annual average cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$30,000. Additional penal fine revenue would benefit public libraries.

Fiscal Analyst: Lindsay Hollander

Supporting Argument

The Michigan Penal Code includes specific criminal penalties for assaulting, wounding, resisting, or endangering certain emergency personnel in the course of their duties. This provision applies to actions against various law enforcement officers, firefighters, and emergency medical service personnel. By including an individual engaged in a search and rescue operation in that provision, Senate Bill 1404 (S-1) would recognize the contribution of search and rescue teams in working with emergency responders to locate missing, injured, or deceased people, and would give them the same degree of protection extended to police, firefighters, and emergency medical workers.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of the revised offenses. An offender convicted of the Class H offense under the bills would receive a sentencing guidelines minimum sentence range of 0-1 month to 5-17 months. An offender convicted of the Class E offense under the bills would receive a sentencing guidelines minimum sentence range of 0-3 months to 24-38 months. To the extent that the bills would increase incarceration time, local governments would incur increased costs of incarceration in local facilities, which vary by county. The State

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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.