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BILL ANALYSIS



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Senate Bill 219 (Substitute S-1 as reported)
Sponsor: Senator Rick Jones
Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to require a court to order a person not to own or possess an animal for at least five years as part of the sentence for certain crimes against animals. In the sections that the bill would amend, the Code defines "animal" as a vertebrate other than a human.

The Code prohibits a person from knowingly engaging in various activities involved with animal fighting, baiting, or target shooting. As part of the sentence for a violation, the court must order the offender not to own or possess an animal of the same species involved in the violation for five years after the date of sentencing. Under the bill, the prohibition would apply for at least five years after the date of sentencing or the date of release from incarceration, whichever was later.

The Code prohibits an owner, possessor, or person having the charge or custody of an animal from engaging in various activities constituting animal abuse or neglect. As part of the sentence, as a condition of probation, the court may order the defendant not to own or possess an animal for a period of time not to exceed the period of probation. The sentence for a second or subsequent violation may include permanent relinquishment of animal ownership. Under the bill, for a second or subsequent violation, the court would be required to order the defendant, as a condition of probation, not to own or possess an animal for at least five years after the date of sentencing or the date of release from incarceration, whichever was later, and could order permanent relinquishment.

Currently, as part of the sentence for killing, torturing, mutilating, maiming, disfiguring, or poisoning an animal, the court may order the defendant not to own or possess an animal for any period determined by the court, which may include permanent relinquishment. Under the bill, the court would be required to order the defendant, as a condition of probation, not to own or possess an animal for at least five years after the date of sentencing or the date of release, whichever was later, and could order permanent relinquishment. This also would apply as part of the sentence for sodomy.

The bill specifies that the sections of the Code dealing with involvement in animal fighting and animal abuse or neglect would not prohibit the lawful killing of livestock or a customary animal husbandry or farming practice involving livestock.

MCL 750.49 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 5-11-15

Fiscal Analyst: John Maxwell

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Bill Analysis @ www.senate.michigan.gov/sfa

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.