Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 4478 (Substitute S-1)
Sponsor: Representative Robert L. Kosowski
House Committee: Criminal Justice
Senate Committee: Judiciary

Date Completed: 12-10-15

CONTENT

The bill would amend the Revised Judicature Act to allow a domestic violence personal protection order (PPO) to restrain or enjoin a person from taking certain actions with regard to an animal owned by the protected person.

The Act allows a person to petition the Family Division of Circuit Court (family court) to enter a PPO to restrain or enjoin a person in a domestic violence situation from engaging in certain actions. The bill would include in those actions any of the following, with respect to an animal in which the petitioner had an ownership interest, if the action were taken with the intent to cause the petitioner mental distress or to exert control over the petitioner:

-- Injuring, killing, torturing, neglecting, or threatening to injure, kill, torture, or neglect the animal.
-- Removing the animal from the petitioner's possession.
-- Retaining or obtaining possession of the animal.

For purposes of that provision, a petitioner would have an ownership interest in a companion animal if one or more of the following applied:

-- The petition had a right of property in the animal.
-- The petitioner kept or harbored the animal.
-- The animal was in the petitioner's care.
-- The petitioner permitted the animal to remain on or about premises occupied by the petitioner.

A PPO that enjoined a person from injuring, killing, torturing, neglecting, or threatening to injure, kill, torture, or neglect the animal would not prohibit the lawful killing or other use of an animal, as described in Section 50(11) of the Michigan Penal Code. (Section 50 specifies prohibited conduct with regard to the care and treatment of animals. Subsection (11) provides that Section 50 does not prohibit the lawful killing or other use of an animal, including activities such as fishing, hunting, trapping, and wildlife control; horse racing; the operation of a zoo or aquarium; pest or rodent control; generally accepted animal husbandry or farming practices involving livestock; and scientific research.)

"Neglect" would mean that term as defined in Section 50 of the Michigan Penal Code (failure to care for an animal sufficiently and properly to the extent that its health is jeopardized).

The bill would take effect 90 days after its enactment.

MCL 600.2950

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have a negative, although likely small, fiscal impact on State and local government. The maximum penalty for violation of a PPO by a person who is 17 years of age or older is imprisonment for up to 93 days and a fine of up to $500. An increase in misdemeanor arrests and convictions could increase resource demands on local court systems, law enforcement, and jails. Any associated increase in fine revenue would increase funding to public libraries.

If the violation of the PPO were committed by a person less than 17 years of age, there could be a fiscal cost to State and local government depending on the placement of the juvenile offender.

Fiscal Analyst: Ryan Bergan
John Maxwell

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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.