

HOUSE BILL No. 6298

September 5, 2018, Introduced by Rep. LaFave and referred to the Committee on Law and Justice.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
(MCL 760.1 to 777.69) by adding section 2 to chapter XVI.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER XVI

SEC. 2. A PERSON IS NOT SUBJECT TO CRIMINAL PROSECUTION FOR THE BREAKING OR ENTRY INTO A MOTOR VEHICLE, OR FOR THE RESULTING DAMAGE TO THAT MOTOR VEHICLE, IF THE BREAKING OR ENTRY IS EFFECTUATED FOR THE PURPOSE OF REMOVING AN ANIMAL FROM THE MOTOR VEHICLE AND IF ALL OF THE FOLLOWING APPLY:

(A) THE PERSON DETERMINES THAT THE MOTOR VEHICLE IS LOCKED AND THERE IS NO REASONABLE METHOD FOR THE ANIMAL TO EXIT OR BE REMOVED

1 FROM THE MOTOR VEHICLE.

2 (B) THE PERSON HAS A GOOD-FAITH BELIEF THAT FORCIBLE ENTRY
3 INTO THE MOTOR VEHICLE IS NECESSARY BECAUSE THE ANIMAL IS IN
4 IMMINENT DANGER OF SUFFERING HARM IF NOT IMMEDIATELY REMOVED FROM
5 THE MOTOR VEHICLE AND, BASED ON THE CIRCUMSTANCES KNOWN TO THE
6 PERSON AT THE TIME, THE BELIEF IS REASONABLE.

7 (C) THE PERSON CONTACTS EITHER THE LOCAL LAW ENFORCEMENT
8 AGENCY, THE LOCAL FIRE DEPARTMENT, OR A 9-1-1 OPERATOR AS SOON AS
9 POSSIBLE BEFORE OR AFTER FORCIBLY ENTERING THE MOTOR VEHICLE.

10 (D) THE PERSON PLACES A NOTICE ON THE MOTOR VEHICLE'S
11 WINDSHIELD WITH THE PERSON'S CONTACT INFORMATION, THE REASON THE
12 ENTRY WAS MADE, THE LOCATION OF THE ANIMAL, AND A STATEMENT THAT
13 THE LOCAL AUTHORITIES HAVE BEEN NOTIFIED.

14 (E) THE PERSON REMAINS WITH THE ANIMAL IN A SAFE LOCATION, OUT
15 OF THE ELEMENTS, BUT REASONABLY CLOSE TO THE MOTOR VEHICLE, UNTIL
16 LAW ENFORCEMENT, THE FIRE DEPARTMENT, OR ANOTHER EMERGENCY
17 RESPONDER ARRIVES.

18 (F) THE PERSON DOES NOT USE ANY MORE FORCE TO ENTER THE MOTOR
19 VEHICLE AND REMOVE THE ANIMAL FROM THE MOTOR VEHICLE THAN IS
20 NECESSARY UNDER THE CIRCUMSTANCES.

21 Enacting section 1. This amendatory act takes effect 90 days
22 after the date it is enacted into law.