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## ANIMAL CRUELTY

House Bill 5561

Sponsor: Rep. Jon Jellema

Committee: Judiciary and Civil Rights

Complete to 5-2-96

### A SUMMARY OF HOUSE BILL 5561 AS INTRODUCED 2-7-96

Under the animal cruelty provisions of the Michigan Penal Code, the court may, as a condition of probation, order a person convicted of misdemeanor animal cruelty not to own or possess an animal for a period of time, not to exceed the period of probation. The bill would amend this provision to remove the time limit and the link to probation; the court would be able to order the defendant not to own or possess an animal for any period of time "as authorized by law" and determined appropriate by the court based on the facts of the case. In the case of a second or subsequent violation of misdemeanor animal cruelty, the court could order permanent relinquishment of the privilege of animal ownership. (This mirrors the felony animal cruelty provisions, which allow the sentencing court to order that an offender not own or possess an animal for a period of time determined by the court, including permanent relinquishment of the privilege of animal ownership.)

Further, as part of the sentence for a violation of the animal cruelty provisions, the court may order the defendant to pay the costs of prosecution and the costs of the care of the animal. The bill would add to this that if an animal was impounded and held by an animal control agency, an animal shelter, or a licensed veterinarian pending the outcome of a criminal action charging either misdemeanor or felony animal cruelty, the shelter or veterinarian holding the animal could file a petition in the criminal action requesting the court to order that the animal be forfeited by the defendant. A hearing would have to be held within 14 days after the filing of a petition, or as soon as practicable. At the hearing the petitioner would have the burden of establishing probable cause that a violation had occurred. Upon a finding of probable cause, the court would have to order immediate forfeiture of the animal to the petitioner unless the defendant, within 72 hours, posted a security deposit or bond with the court clerk in an amount sufficient to repay all reasonable costs of caring for the animal from the date of initial impoundment to the date of trial. Further, any order of continuance of a trial would also require an additional bond to be posted to pay for the care of the animal until the new date of trial.

In addition, the bill would specify that a second or subsequent violation of the misdemeanor animal cruelty provisions would be a felony, punishable by imprisonment for up to four years, a fine of up to \$5,000, community service for up to 500 hours, or a combination of these penalties.

MCL 750.50

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.