

SEARCH AND RESCUE DOGS AND PERSONNEL

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Senate Bills 1404 and 1405

Sponsor: Sen. Mike Goschka

House Committee: Judiciary

Senate Committee: Judiciary

Complete to 12-11-06

A SUMMARY OF SENATE BILLS 1404 & 1405 AS PASSED BY THE SENATE 11-9-06

The bills would extend to search and rescue dogs the same protections in law afforded to a police dog or horse and extend to their handlers the same protections in law afforded to law enforcement officers, fire fighters, and emergency service personnel when performing their duties.

Senate Bill 1404 would amend the Michigan Penal Code (MCL 750.50c and 750.81d) to include a search and rescue dog in current provisions that prohibit various conduct against a police dog or police horse lawfully performing its duties. The bill would also increase the maximum fines for these crimes as follows (current maximum terms of imprisonment would remain unchanged):

- Intentionally causing physical harm to a police dog, police horse, or a search or rescue dog: a felony with a maximum term of imprisonment of five years and/or a fine of not more than \$10,000 (increased from \$2,500).
- Intentionally causing physical harm to, or intentionally harassing or interfering with, a police dog, police horse, or search or rescue dog: a misdemeanor with a maximum term of imprisonment of one year and/or a fine of not more than \$5,000 (increased from \$1,000). Doing the same while committing a crime: a felony with a maximum term of imprisonment of two years and/or a fine of not more than \$15,000 (increased from \$1,500).

In addition, 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 as that term is defined in Section 50c of the code.

Senate Bill 1405 would amend the sentencing guidelines portion of the Code of Criminal Procedure (MCL 777.16b) by including a search and rescue dog in the guidelines descriptions for killing, injuring, or harassing a law enforcement animal and harassing or causing harm to a law enforcement animal while committing a crime.

The bill is tie-barred to Senate Bill 1404.

FISCAL IMPACT:

The bills would have an indeterminate fiscal impact on the state and local units of government. There were no felony dispositions in 2004 for interfering with a police dog or horse, and there are no data to indicate how many offenders might be affected by the provisions dealing with search and rescue animals. To the extent that there was an increase in the numbers of misdemeanor convictions, local costs of jail incarceration or misdemeanor probation supervision could increase. To the extent that there was an increase in felony convictions, state or local correctional costs could increase. The state could incur additional costs of prison incarceration, which averages about \$30,000 per prisoner per day, or felony probation supervision; the average cost of parole and probation supervision is about \$2,000 per offender per day. Counties could incur additional costs for any jail sentences imposed. To the extent that collections of penal fine revenues increased, the bills could benefit local libraries, which are the constitutionally-designated recipients of such revenues.

BACKGROUND INFORMATION:

According to information supplied by the Michigan Association for Purebred Dogs and Michigan Hunting Dog Federation, trained search and rescue animals are an important adjunct to police detective work and search and rescue work. These animals are typically owned by independent handlers who volunteer their services with search and rescue teams.) Increasingly, the dogs are used in the fight against terrorism. Thus, supporters of the legislation feel the bills are necessary to protect search and rescue dogs and their handlers by providing the same level of criminal penalties to those who would harm them as is currently provided to police dogs and horses and for harming law enforcement officers and emergency services personnel.

POSITIONS:

A representative of the Michigan Association for Purebred Dogs and Michigan Hunting Dog Federation testified in support of the bills. (12-6-06)

The Department of State Police indicated support for House Bill 1404. (12-6-06)

The Deputy Sheriffs Association of Michigan indicated support for House Bill 1404. (12-6-06)

The Michigan Department of Corrections is neutral on Senate Bill 1405. (12-6-06)

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■ 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.