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BILL ANALYSIS

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Senate Bills 1404 and 1405 (as introduced 9-5-06)  
Sponsor: Senator Mike Goschka  
Committee: Judiciary

Date Completed: 9-19-06

## **CONTENT**

**Senate Bills 1404 and 1405 would amend the Michigan Penal Code and the Code of Criminal Procedure, respectively, to do all of the following:**

- **Include a search and rescue dog in current prohibitions against killing, injuring, or harassing or interfering with a police dog or police horse, and increase the criminal penalties that apply to those offenses.**
- **Include search and rescue personnel in current prohibitions against assaulting, battering, wounding, resisting, obstructing, opposing, or endangering law enforcement or other emergency personnel.**
- **Revise the sentencing guidelines to reflect the inclusion of a search and rescue dog in prohibitions against harming or interfering with police animals and the proposed increased penalties.**

Under Senate Bill 1404, "search and rescue dog" would mean a dog that is trained or being trained for the purpose of locating or rescuing lost, injured, or deceased individuals and is owned by an independent handler or by a member of a search and rescue team and used in conjunction with local law enforcement or emergency services organizations.

Senate Bill 1405 is tie-barred to Senate Bill 1404.

### **Senate Bill 1404**

#### Search & Rescue/Law Enforcement Animal

The Penal Code prohibits and prescribes criminal penalties for certain actions against a police dog or police horse, as shown in Table 1.

Table 1  
Existing Prohibitions & Penalties

Violation	Level	Maximum Term & Fine
Intentionally killing or causing serious physical harm to a police dog or horse	Felony	5 years; \$2,500
Intentionally causing physical harm to, or intentionally harassing or interfering with, a police dog or horse	Misdemeanor	1 year; \$1,000
Intentionally causing physical harm to, or intentionally harassing or interfering with, a police dog or horse, while committing a crime	Felony	2 years; \$1,500

The bill would include a search and rescue dog in those prohibitions and increase the criminal penalties, as shown in [Table 2](#).

**Table 2**  
**Proposed Prohibitions & Penalties**

Violation	Level	Maximum Term & Fine
Intentionally killing or causing serious physical harm to a police dog, police horse, or search and rescue dog	Felony	10 years; \$10,000
Intentionally causing physical harm to, or intentionally harassing or interfering with, a police dog, police horse, or search and rescue dog	Felony	5 years; \$5,000
Intentionally causing physical harm to, or intentionally harassing or interfering with, a police dog, police horse, or search and rescue dog, while committing a crime	Felony	10 years; \$15,000

("Physical harm" means any injury to a dog's or horse's physical condition. "Serious physical harm" means any injury to a dog's or horse's physical condition or welfare that is not necessarily permanent but that constitutes substantial body disfigurement, or that seriously impairs the function of a body organ or limb.)

**Emergency Personnel**

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. "Search and rescue operation" would mean an effort conducted at the direction of an agency of this State or of a political subdivision of this State to locate or rescue a lost, injured, or deceased individual.

**Senate Bill 1405**

The bill would revise the sentencing guidelines, as shown in [Table 3](#) and [Table 4](#).

Table 3  
Current Sentencing Guidelines

Violation	Class	Category	Statutory Max. Sentence
Killing or causing serious physical harm to law enforcement animal	E	Public Order	5 years
Harassing or causing harm to a law enforcement animal while committing a crime	H	Public Safety	2 years

Table 4  
Proposed Sentencing Guidelines

Violation	Class	Category	Statutory Max. Sentence
Killing or causing serious physical harm to a law enforcement or search and rescue animal	D	Public Order	10 years
Causing physical harm to, or harassing or interfering with, a law enforcement or search and rescue animal	E	Public Order	5 years
Harassing or causing harm to a law enforcement or search and rescue animal while committing a crime	D	Public Safety	10 years

MCL 750.50c & 750.81d (S.B. 1404)  
777.16b (S.B. 1405)

Legislative Analyst: Patrick Affholter

**FISCAL IMPACT**

The bills would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of the revised offenses. An offender convicted of the Class D offenses under the bills would receive a sentencing guidelines minimum sentence range of 0-6 months to 43-76 months. An offender convicted of the Class E offense under the bills would receive a sentencing guidelines minimum sentence range of 0-3 months to 24-38 months. To the extent that the bills would increase incarceration time, local governments would incur increased costs of incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$30,000. Additional penal fine revenue would benefit public libraries.

Fiscal Analyst: Lindsay Hollander

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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.