

# Legislative Analysis

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## ANIMAL FIGHTING

**Senate Bill 356 as introduced**  
**Sponsor: Sen. Rick Jones**

**Senate Bill 357 as introduced**  
**Sponsor: Sen. Bert Johnson**

**Senate Bill 358 as introduced**  
**Sponsor: Sen. Steven Bieda**

**House Committee: Judiciary**  
**Senate Committee: Judiciary**  
**Complete to 1-25-12**

## A SUMMARY OF SENATE BILLS 356-358 AS PASSED BY THE SENATE 9-7-11

Senate Bill 356 would subject the property of a person involved in animal fighting to forfeiture. Senate Bill 358 would include animal fighting as a predicate offense for racketeering. Senate Bill 357 would declare a building, vehicle, boat, aircraft, or other place where animal fighting takes place to be a nuisance.

Senate Bill 356 would amend the Revised Judicature Act (600.4702) to allow, in the case of a crime involving animal fighting, all real or personal property to be subject to forfeiture if it contributed directly and materially to the commission of the crime, was used to conceal the crime, was used to escape from the scene of the crime, or was used to conceal the identify of one or more of the individuals who committed the crime. Real and personal property that are the proceeds of a crime would also be subject to forfeiture.

Senate Bill 358 would amend Chapter 25A of the Michigan Penal Code, entitled "Criminal Enterprises" (750.159g et al.). Under the code, racketeering is defined as committing, attempting to commit, conspiring to commit, or aiding or abetting, soliciting, coercing, or intimidating a person to commit an offense for financial gain that includes any of the listed criminal acts. The bill would amend this list to include a violation of Section 49, concerning animal fighting.

Senate Bill 357 would amend the Revised Judicature Act (MCL 600.3801). It amends the section that declares places to be a nuisance if certain conduct takes place on the premises. It would add violations of animal fighting under Section 49 of the Michigan Penal Code to that list.

## FISCAL IMPACT:

This bill package would have an indeterminate fiscal impact on state and local government. To the extent that the bills increase racketeering convictions, state prisons

and local jails could incur additional incarceration costs, as well as additional probation costs. The average cost of prison incarceration in a state facility is roughly \$34,000 per prisoner per year, a figure that includes various fixed administrative and operational costs. The cost of local jail incarceration varies by jurisdiction. Costs of parole and felony probation supervision, exclusive of the cost of electronic tether, average about \$2,200 per supervised offender per year. Fine revenues would also increase by an indeterminate amount. Any additional penal fine revenue would benefit local libraries.

In calendar year 2010, Michigan Department of Corrections statistical reports indicate there were a total of 18 convictions for violations or attempted violations of MCL 750.49. Of these offenses, five resulted in local jail sentences, three resulted in state prison sentences, and ten resulted in probation sentences.

Under MCL 600.4708, the unit of government that seized or filed a lien against the property may sell the property and dispose of the proceeds in the following order of priority: any security interest; to satisfy an order of restitution; any claims of victims; outstanding liens; and expenses. The balance remaining after the disposal of the proceeds shall be distributed in the following manner: 75% of funds to enhance enforcement of the criminal laws and 25% of funds to implement the Crime Victim's Rights Act.

#### **BACKGROUND INFORMATION:**

Senate Bills 356-358 are reintroductions of House Bills 5655, 5656, and 5668 of the 2009-2010 legislative session. Those bills were passed by the House but failed to see Senate action.

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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.