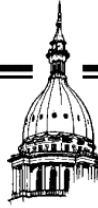




Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bills 603 and 604 (as introduced 10-8-13)  
Sponsor: Senator Steven Bieda  
Committee: Judiciary

Date Completed: 10-15-13

**CONTENT**

**Senate Bill 603** would amend Public Act 120 of 1935, which provides for the recording and filing of fingerprints by the Michigan Department of State Police (MSP), to specify that the fee for processing and completing a name-based criminal record check could not be charged if the requestor were an animal control shelter or animal protection shelter conducting a background check for purposes of animal adoption.

**Senate Bill 604** would amend Public Act 287 of 1969, which regulates pet shops, animal control shelters, and animal protection shelters, to do the following:

- Allow an animal control shelter or animal protection shelter to consider an individual's criminal history when deciding whether to allow an animal adoption.
- Prohibit an animal control shelter or animal protection shelter from adopting out an animal to a person who was charged with an animal abuse offense or had been convicted of an animal abuse offense in the past five years.
- Expand the definitions of "animal" and "adoption".

Both bills would define "animal abuse offense" as one or more of the following:

- Owning, possessing, using, buying, selling or offering to buy or sell, importing, or exporting an animal for fighting or baiting, or as a shooting target.
- Animal neglect, cruelty, or abandonment.
- Willfully and maliciously assaulting, beating, harassing, injuring, impeding, or interfering with a dog, knowing or having reason to believe the dog is a guide or leader dog or a service dog.
- Knowingly killing, torturing, mutilating, maiming, or disfiguring an animal; committing a reckless act knowing or having reason to know that it will cause an animal to be killed, tortured, mutilated, maimed, or disfigured; or intentionally poisoning an animal.
- Intentionally killing or causing physical harm to, or intentionally harassing or interfering with, a police dog or police horse, or a search and rescue dog.
- Committing sodomy with an animal.
- Committing a violation of a local ordinance substantially corresponding to a violation listed above.
- Attempting or conspiring to commit an offense described above.

The term would not include actions that constitute the lawful use of an animal to hunt or to participate in field trials or the lawful killing or other use of an animal in farming or a generally accepted animal husbandry or farming practice involving livestock.

The bills are tie-barred to each other and to Senate Bill 605, which would amend the Code of Criminal Procedure to require the prosecuting attorney handling an animal abuse case to notify the MSP when an individual was charged with an animal abuse offense.

### **Senate Bill 603**

Public Act 120 of 1935 allows the MSP to charge a fee of \$10 for processing and completing a name-based criminal record check, except under the following circumstances:

- A fee for processing the record check is charged under any other law.
- The requester is a government agency or nonprofit charitable agency performing employment or volunteer employment name-based background checks through the Internet Criminal History Access Tool (ICHAT).

Under the bill, the MSP also could not charge the fee if the requestor were an animal control shelter or animal protection shelter performing a name-based background check for purposes of animal adoption checks through ICHAT.

The MSP would have to prepare an annual report of animal abuse offenses reported to the Department for inclusion in its criminal history record information database. Each report would have to include the number of offenses reported during the year, broken down into categories the MSP considered appropriate. A copy of each report would have to be given to all of the following within 30 days after the calendar year in which the report was due:

- The Secretary of the Senate.
- The Clerk of the House of Representatives.
- The Director of the Department of Agriculture and Rural Development.

### **Senate Bill 604**

The bill would add Section 8c to Public Act 287 of 1969 to permit an animal control shelter or animal protection shelter to consider an individual's criminal history when deciding whether to allow the individual to adopt an animal. A shelter could not adopt an animal to an individual who was charged with committing an animal abuse offense or who had been convicted of an animal abuse offense unless at least five years had elapsed since the conviction.

Section 8c could be referred to as the "Animal Adoption Protection Act".

Public Act 287 defines "adoption" as a transfer of ownership, with or without remuneration, of a dog, cat, or ferret from an animal control shelter or animal protection shelter to an individual for the purpose of being a companion animal for that person. The bill would refer to an animal, rather than to a dog, cat, or ferret. The Act defines "animal" as a mammal, except livestock and rodents. The bill instead would define "animal" as a vertebrate other than a human being, except livestock.

("Animal control shelter" means a facility operated by a municipality for the impoundment and care of animals that are found in the streets or at large, animals that are otherwise held due to the violation of a municipal ordinance or State law, or animals that are surrendered to the animal control shelter. "Animal protection shelter" means a facility operated by a person, humane society, society for the prevention of cruelty to animals, or any other nonprofit organization for the care of homeless animals.)

**FISCAL IMPACT**

**Senate Bill 603**

The bill would have a minimal fiscal impact on the Department of State Police. Any additional administrative work incurred by the proposed ICHAT fee waiver would be assumed through existing Department resources. Producing and distributing an annual report of animal abuse-related charges and convictions would require minimal effort and expense. For 2013, estimated animal abuse charges number 194 and convictions number 148.

**Senate Bill 604**

The bill would have no fiscal impact on state government, but to the extent that county or local government-run animal shelters would perform background checks of potential animal adopters, some additional administrative duties for these government-operated facilities would result.

Fiscal Analyst: Bruce Baker