



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 4755 (Substitute H-2 as reported without amendment)
Sponsor: Representative Harvey Santana
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to revise provisions that require or permit a court to order a person not to own or possess an animal as part of the sentence for certain crimes against animals. (In the sections that the bill would amend, the Code defines "animal" as a vertebrate other than a human being.)

The Code prohibits a person from knowingly engaging in various activities related to animal fighting, baiting, or target shooting. As part of the sentence for a violation, the court must order the offender not to own or possess an animal of the same species involved in the violation for five years after the date of sentencing. The bill would require the court to prohibit the person from owning or possessing an animal for at least five years after the date of sentencing or the date of release from incarceration, whichever was later.

The Code prohibits an owner, possessor, or person in charge or having custody of an animal from engaging in various activities constituting animal abuse or neglect. As part of the sentence, as a condition of probation, the court may order the defendant not to own or possess an animal for a period of time not to exceed the period of probation. The sentence for a second or subsequent violation may include permanent relinquishment of animal ownership. Under the bill, for a second or subsequent violation, the court would be required to order the defendant not to own or possess an animal for at least five years after the date of sentencing or the date of release from incarceration, whichever was later, and could order permanent relinquishment.

Currently, as part of the sentence for killing, torturing, mutilating, maiming, disfiguring, or poisoning an animal, the court may order the defendant not to own or possess an animal for any period determined by the court, which may include permanent relinquishment. Under the bill, the court would be required to order the defendant not to own or possess an animal for at least five years after the date of sentencing or the date of release, whichever was later, and could order permanent relinquishment.

In each case, the court could not order a person not to own or possess livestock unless livestock were involved in the violation. If livestock were involved, the court would have to order the person not to own or possess livestock for any period the court determined.

MCL 750.49 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Under the bill, there could be an increase in costs to local courts and law enforcement to ensure that the penalties proposed by the bill were followed. There would be no fiscal impact on State government.

Date Completed: 10-2-14

Fiscal Analyst: John Maxwell

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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.