

HOUSE BILL No. 5061

October 8, 2013, Introduced by Reps. Santana, Knezek, Schor, Stallworth, Talabi, Cavanagh and Muxlow and referred to the Committee on Criminal Justice.

A bill to amend 1969 PA 287, entitled

"An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies,"

by amending section 1 (MCL 287.331), as amended by 1997 PA 7, and by adding section 8c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Adoption" means a transfer of ownership, with or without
3 remuneration, of a ~~dog, cat, or ferret~~ **AN ANIMAL** from an animal
4 control shelter or animal protection shelter to an individual for
5 the purpose of being a companion animal for that individual. As
6 used in this subdivision, a companion animal includes but is not

1 limited to a dog that is used for hunting or as a guard dog.

2 (b) "Alteration" means a professional sterilization procedure
3 performed by a veterinarian that renders a dog, cat, or ferret
4 incapable of reproducing.

5 (c) "Altered", in reference to a dog, cat, or ferret, means
6 having undergone alteration.

7 (d) "Animal" means a ~~mammal~~ **VERTEBRATE OTHER THAN A HUMAN**
8 **BEING** except livestock as defined in 1937 PA 284, MCL 287.121 to
9 287.131. ~~and rodents.~~

10 (E) "ANIMAL ABUSE OFFENSE" MEANS 1 OR MORE OF THE FOLLOWING,
11 BUT DOES NOT INCLUDE THE LAWFUL USE OF AN ANIMAL TO HUNT OR TO
12 PARTICIPATE IN FIELD TRIALS OR THE LAWFUL KILLING OR OTHER USE OF
13 AN ANIMAL IN FARMING OR A GENERALLY ACCEPTED ANIMAL HUSBANDRY OR
14 FARMING PRACTICE INVOLVING LIVESTOCK:

15 (i) A VIOLATION OF SECTION 49 OF THE MICHIGAN PENAL CODE, 1931
16 PA 328, MCL 750.49.

17 (ii) A VIOLATION OF SECTION 50 OF THE MICHIGAN PENAL CODE, 1931
18 PA 328, MCL 750.50.

19 (iii) A VIOLATION OF SECTION 50A OF THE MICHIGAN PENAL CODE,
20 1931 PA 328, MCL 750.50A.

21 (iv) A VIOLATION OF SECTION 50B OF THE MICHIGAN PENAL CODE,
22 1931 PA 328, MCL 750.50B.

23 (v) A VIOLATION OF SECTION 50C OF THE MICHIGAN PENAL CODE,
24 1931 PA 328, MCL 750.50C.

25 (vi) A VIOLATION OF SECTION 158 OF THE MICHIGAN PENAL CODE,
26 1931 PA 328, MCL 750.158, IF THE VIOLATION AROSE OUT OF A CRIME
27 AGAINST NATURE WITH AN ANIMAL.

1 (vii) A VIOLATION OF A LOCAL ORDINANCE SUBSTANTIALLY
2 CORRESPONDING TO A VIOLATION DESCRIBED IN SUBPARAGRAPHS (i) TO (vi).

3 (viii) AN ATTEMPT OR CONSPIRACY TO COMMIT AN OFFENSE DESCRIBED
4 IN SUBPARAGRAPHS (i) TO (vii).

5 (F) ~~(e)~~—"Animal control shelter" means a facility operated by
6 a municipality for the impoundment and care of animals that are
7 found in the streets or at large, animals that are otherwise held
8 due to the violation of a municipal ordinance or state law, or
9 animals that are surrendered to the animal control shelter.

10 (G) ~~(f)~~—"Animal protection shelter" means a facility operated
11 by a person, humane society, society for the prevention of cruelty
12 to animals, or any other nonprofit organization for the care of
13 homeless animals.

14 (H) ~~(g)~~—"Cat" means a domestic cat of any age of the species
15 felis catus.

16 (I) ~~(h)~~—"Department" means the ~~state~~ department of agriculture
17 AND RURAL DEVELOPMENT.

18 (J) ~~(i)~~—"Director" means the director of the department or his
19 or her authorized representative.

20 (K) ~~(j)~~—"Dog" means a domestic dog of any age of the species
21 canis familiaris.

22 (L) ~~(k)~~—"Ferret" means an animal of any age of the species
23 mustela furo.

24 (M) ~~(l)~~—"Health certificate" means a certificate in a form
25 prescribed by the department in which a veterinarian attests to the
26 age, sex, breed, and description of an animal, and to the fact that
27 at the time of preparation of the certificate, the veterinarian

1 examined the animal and found the animal free from visual evidence
2 of communicable disease.

3 (N) "ICHAT" MEANS THE INTERNET CRIMINAL HISTORY ACCESS TOOL
4 MAINTAINED BY THE DEPARTMENT OF STATE POLICE.

5 (O) ~~(m)~~"Municipality" means a county, city, village, or
6 township.

7 (P) ~~(n)~~"Person" means an individual, partnership,
8 corporation, association, governmental entity, or other legal
9 entity.

10 (Q) ~~(e)~~"Pet shop" means a place where animals are sold or
11 offered for sale, exchange, or transfer.

12 (R) ~~(p)~~"Veterinarian" means a person licensed to practice
13 veterinary medicine under article 15 of the public health code,
14 1978 PA 368, MCL 333.16101 to 333.18838.

15 SEC. 8C. (1) AN ANIMAL CONTROL SHELTER OR ANIMAL PROTECTION
16 SHELTER MAY CONSIDER AN INDIVIDUAL'S CRIMINAL HISTORY WHEN DECIDING
17 WHETHER TO ALLOW THAT INDIVIDUAL TO ADOPT AN ANIMAL. AN ANIMAL
18 CONTROL SHELTER OR ANIMAL PROTECTION SHELTER SHALL NOT ADOPT AN
19 ANIMAL TO AN INDIVIDUAL WHO IS CHARGED WITH COMMITTING AN ANIMAL
20 ABUSE OFFENSE OR TO AN INDIVIDUAL WHO HAS BEEN CONVICTED OF AN
21 ANIMAL ABUSE OFFENSE UNLESS A PERIOD OF AT LEAST 5 YEARS HAS
22 ELAPSED SINCE THE DATE OF HIS OR HER CONVICTION.

23 (2) THIS SECTION MAY BE REFERRED TO AS THE "ANIMAL ADOPTION
24 PROTECTION ACT".

25 Enacting section 1. This amendatory act does not take effect
26 unless all of the following bills of the 97th Legislature are
27 enacted into law:

1 (a) House Bill No. 4534.

2 (b) Senate Bill No. ____ or House Bill No. 5063 (request no.
3 03368'13).

4 (c) Senate Bill No. ____ or House Bill No. 5062 (request no.
5 03369'13).