

HOUSE BILL No. 5063

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 1927 PA 175, entitled
"The code of criminal procedure,"
(MCL 760.1 to 777.69) by adding section 1 to chapter XVI.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XVI

1
2 SEC. 1. IF PERSON IS CHARGED WITH COMMITTING AN ANIMAL ABUSE
3 OFFENSE, THE PROSECUTING ATTORNEY HANDING THAT CASE SHALL PROMPTLY
4 NOTIFY THE DEPARTMENT OF STATE POLICE THAT THE INDIVIDUAL HAS BEEN
5 CHARGED WITH THAT ANIMAL ABUSE OFFENSE. THE INFORMATION SHALL BE
6 PROVIDED TO THE DEPARTMENT OF STATE POLICE IN THE MANNER REQUIRED
7 BY THE DEPARTMENT OF STATE POLICE. THE DEPARTMENT OF STATE POLICE
8 SHALL ENTER THE INFORMATION OBTAINED UNDER THIS SECTION INTO THE
9 DEPARTMENT'S CRIMINAL HISTORY DATABASE FOR PURPOSES OF PROVIDING

1 THAT INFORMATION THROUGH ICHAT TO ANIMAL CONTROL SHELTERS AND
2 ANIMAL PROTECTION SHELTERS UNDER SECTION 8C OF 1969 PA 287, MCL
3 287.338C. AS USED IN THIS SECTION:

4 (A) "ANIMAL ABUSE OFFENSE" MEANS 1 OR MORE OF THE FOLLOWING,
5 BUT DOES NOT INCLUDE THE LAWFUL USE OF AN ANIMAL TO HUNT OR TO
6 PARTICIPATE IN FIELD TRIALS:

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

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

11 (iii) A VIOLATION OF SECTION 50A OF THE MICHIGAN PENAL CODE,
12 1931 PA 328, MCL 750.50A.

13 (iv) A VIOLATION OF SECTION 50B OF THE MICHIGAN PENAL CODE,
14 1931 PA 328, MCL 750.50B.

15 (v) A VIOLATION OF SECTION 50C OF THE MICHIGAN PENAL CODE,
16 1931 PA 328, MCL 750.50C.

17 (vi) A VIOLATION OF SECTION 158 OF THE MICHIGAN PENAL CODE,
18 1931 PA 328, MCL 750.158, IF THE VIOLATION AROSE OUT OF A CRIME
19 AGAINST NATURE WITH AN ANIMAL.

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

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

24 (B) "ICCHAT" MEANS THE INTERNET CRIMINAL HISTORY ACCESS TOOL
25 MAINTAINED BY THE DEPARTMENT OF STATE POLICE.

26 (C) "PROSECUTING ATTORNEY" MEANS ANY OF THE FOLLOWING:

27 (i) THE STATE ATTORNEY GENERAL OR AN ASSISTANT ATTORNEY

1 GENERAL.

2 (ii) A COUNTY PROSECUTING ATTORNEY OR AN ASSISTANT COUNTY
3 PROSECUTING ATTORNEY.

4 (iii) THE ATTORNEY FOR A VILLAGE, CITY, OR TOWNSHIP OR AN
5 ASSISTANT ATTORNEY FOR A VILLAGE, CITY, OR TOWNSHIP.

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

9 (a) House Bill No. 4534.

10 (b) Senate Bill No. or House Bill No. 5062 (request no.
11 03369'13).

12 (c) Senate Bill No. or House Bill No. 5061 (request no.
13 03722'13).