

HOUSE BILL No. 5989

December 2, 2014, Introduced by Rep. Price and referred to the Committee on Local Government.

A bill to amend 2000 PA 274, entitled
"Large carnivore act,"
by amending sections 18 and 20 (MCL 287.1118 and 287.1120).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 18. (1) A law enforcement officer may return a seized
2 large carnivore to the owner of the large carnivore if the law
3 enforcement officer is satisfied that the conditions resulting in
4 the seizure have been corrected. If the large carnivore was seized
5 pursuant to process issued by a court, the law enforcement officer
6 shall obtain approval of the court before returning the large
7 carnivore.

8 (2) Unless the large carnivore has been returned, the law
9 enforcement officer shall, within 10 days after the large carnivore

1 is seized, give written notice of the seizure and intent to forfeit
2 the large carnivore to each of the following persons:

3 (a) The owner of the large carnivore.

4 (b) Any person who was injured or whose property was damaged
5 by the large carnivore.

6 (3) ~~The~~**BEFORE JANUARY 1, 2015, THE** notice required under
7 subsection (2) shall be delivered in person or sent by certified
8 mail. ~~If~~**BEFORE JANUARY 1, 2015, IF** the name and address of the
9 person are not reasonably ascertainable or personal delivery of the
10 notice cannot reasonably be accomplished, the notice shall be
11 published in a newspaper of general circulation in the county in
12 which the large carnivore was seized for 10 successive publishing
13 days. **BEGINNING JANUARY 1, 2015, THE NOTICE REQUIRED UNDER**
14 **SUBSECTION (2) SHALL BE PROVIDED BY SENDING THE NOTICE BY CERTIFIED**
15 **MAIL AND BY TIER B PUBLIC NOTICE AS PROVIDED IN THE LOCAL**
16 **GOVERNMENT PUBLIC NOTICE ACT.** Proof of written notice or
17 publication shall be filed with the court having jurisdiction over
18 the seizure or forfeiture.

19 (4) The law enforcement officer shall immediately after
20 seizure of the large carnivore notify the prosecuting attorney for
21 the county in which the large carnivore was seized or, if the
22 attorney general is actively handling a case involving or relating
23 to the large carnivore, the attorney general of the seizure of the
24 large carnivore and any intent to forfeit the large carnivore under
25 this act.

26 Sec. 20. (1) A law enforcement officer shall return a seized
27 large carnivore to the owner of the large carnivore within 7 days

1 after the occurrence of any of the following:

2 (a) The failure to issue a warrant against the owner of the
3 large carnivore for committing a misdemeanor under section 15 or to
4 file a complaint under section 16(3) within 10 days after the large
5 carnivore is seized.

6 (b) The dismissal of charges against the owner of the large
7 carnivore under section 15 or of a complaint under section 16(3),
8 as applicable.

9 (c) The court's determination that an order for the large
10 carnivore to be forfeited shall not be entered.

11 (d) The acquittal of the owner of the large carnivore of any
12 charges under section 15.

13 (e) Entry of a court order under this act for the return of
14 the large carnivore.

15 (2) If a large carnivore is returned under subsection (1), the
16 law enforcement officer shall give written notice to the persons
17 who received notice under section 18 that the large carnivore has
18 been returned. ~~The~~**BEFORE JANUARY 1, 2015, THE** notice under this
19 subsection shall be delivered in person or sent by certified mail.
20 ~~If~~**BEFORE JANUARY 1, 2015, IF** the name and address of the person
21 are not reasonably ascertainable or personal delivery of the notice
22 cannot reasonably be accomplished, the notice shall be published in
23 a newspaper of general circulation in the county in which the large
24 carnivore was seized for 10 successive publishing days. **BEGINNING**
25 **JANUARY 1, 2015, THE NOTICE REQUIRED UNDER THIS SUBSECTION SHALL BE**
26 **PROVIDED BY SENDING THE NOTICE BY CERTIFIED MAIL AND BY TIER B**
27 **PUBLIC NOTICE AS PROVIDED IN THE LOCAL GOVERNMENT PUBLIC NOTICE**

1 **ACT.**

2 (3) If the court orders a large carnivore to be forfeited, the
3 order of forfeiture shall direct that each large carnivore be
4 transferred to a wildlife sanctuary approved by the association of
5 sanctuaries, an animal protection shelter, or a zoo accredited by
6 the American zoo and aquarium association, where the large
7 carnivore will be safely and humanely cared for. However, subject
8 to section 10, if the large carnivore killed or injured a human or
9 an animal, the order of forfeiture may direct that the large
10 carnivore be humanely euthanized by a veterinarian. An order of
11 forfeiture shall also revoke any permit that may have been issued
12 for the large carnivore under section 4 and order payment of costs
13 under subsection (4). The forfeiture is a civil forfeiture.

14 (4) If a large carnivore is seized, the owner of the large
15 carnivore is liable for the costs of placement and care for the
16 large carnivore from the time of seizure until the time of return
17 or forfeiture and, if a large carnivore is ordered to be forfeited
18 and euthanized, for the costs of humanely euthanizing and disposing
19 of the large carnivore. This subsection does not apply if the large
20 carnivore is returned under subsection (1) or section 19.

21 Enacting section 1. This amendatory act does not take effect
22 unless Senate Bill No. ____ or House Bill No. 5560 (request no.
23 03796'13) of the 97th Legislature is enacted into law.