



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bills 708 and 709 (as reported without amendment)
Sponsor: Senator Wayne Schmidt
Committee: Judiciary

CONTENT

Senate Bill 709 would amend Public Act 426 of 1988, which governs confinement and destruction of dangerous animals, to do the following:

- Allow, instead of require, a court to issue a summons ordering a dog's owner to show cause why the dog should not be found to be a vicious dog, if the dog were alleged to have killed or seriously injured a person or another dog.
- Specify that the person who filed a complaint alleging that a dog was a vicious dog would have the burden of proving so by clear and convincing evidence.
- Allow a court to order a vicious dog to be euthanized or require the owner to comply with various requirements, including implanting the dog with a microchip, and spaying or neutering the dog.
- Require an animal control department to impound a vicious dog if its owner failed to comply with the proposed requirements.
- Require an animal control department to maintain a list of vicious dogs within its jurisdiction.
- Allow an animal control department that had custody of a vicious dog to petition the court for an order requiring the dog's owner to post security in an amount sufficient to pay reasonable expenses of caring for the dog.
- Require an animal control department that received notice of an alleged infraction to notify the owner within 10 days of receiving of the notice and after an investigation.
- Require a court to conduct a hearing to determine whether a dog was a dangerous dog after receiving a complaint from animal control department; and require the owner to comply with certain requirements if the court found that the dog was dangerous.
- Allow an animal control department to impound a dangerous dog if the owner failed to comply with the proposed requirements.
- Specify that an owner of an animal that attacked an individual without justification would be liable in a civil action for damages caused by the attack.
- Prescribe a misdemeanor penalty for failing to comply with the proposed requirements for a dangerous dog, and a felony penalty for failing to comply with the requirements for a vicious dog.

Senate Bill 708 would amend the sentencing guidelines in the Code of Criminal Procedure to include the felony proposed by Senate Bill 709 as a Class G crime against public safety with a statutory maximum sentence of four years' imprisonment; and remove the felony of dangerous animal causing death.

MCL 777.12m (S.B. 708)
287.321 et al. (S.B. 709)

Legislative Analyst: Jeff Mann

FISCAL IMPACT

Senate Bill 708 would have no fiscal impact on local government and an indeterminate fiscal impact on the State, in light of the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge*, in which the Court ruled that the sentencing guidelines are advisory for all cases. This means that the addition to the guidelines under the bill would not be compulsory for the sentencing judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction depends on judicial decisions.

Senate Bill 709 would have an indeterminate fiscal impact on the State and could have a negative fiscal impact on local government. The bill would remove penalties related to ownership of dangerous animals and replace them with new violations and penalties. It is unknown whether the net effect of these changes would result in more or fewer misdemeanor and felony arrests and convictions. More misdemeanor and felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government is approximately \$3,764 per prisoner per year. Any associated increase in fine revenue would increase funding to public libraries.

Conversely, fewer misdemeanor and felony arrests and convictions could reduce resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. Any associated decrease in fine revenue would reduce funding to public libraries.

The bill also would require an animal control department to investigate alleged infractions, including conducting interviews with the dog owner and witnesses, gathering medical and veterinary records, and submitting a detailed report to the court. An animal control department also would be required to maintain a list of vicious dogs within its jurisdiction. The additional costs imposed by these requirements would vary by jurisdiction.

Date Completed: 3-8-18

Fiscal Analyst: Ryan Bergan