

HOUSE BILL No. 4442

March 30, 2017, Introduced by Reps. Lucido, Kosowski, Sabo, Leutheuser and Kahle and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 50d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 50D. (1) AS USED IN THIS SECTION:**

2 **(A) "ANIMAL ABUSE OR NEGLECT" MEANS ANY OF THE FOLLOWING:**

3 **(i) A VIOLATION OF SECTION 49(2), 50, OR 50B.**

4 **(ii) A VIOLATION OF SECTION 158 COMMITTED WITH AN ANIMAL.**

5 **(B) "ANIMAL CONTROL OFFICER" MEANS AN ANIMAL CONTROL OFFICER**

6 **PROVIDED FOR UNDER SECTIONS 29A TO 29C OF THE DOG LAW OF 1919, 1919**
7 **PA 339, MCL 287.289A TO 287.289C.**

8 **(C) "CHILD ABUSE" MEANS THAT TERM AS DEFINED IN SECTION 2 OF**
9 **THE CHILD PROTECTION LAW, 1975 PA 238, MCL 722.622.**

10 **(D) "CHILD NEGLECT" MEANS THAT TERM AS DEFINED IN SECTION 2 OF**
11 **THE CHILD PROTECTION LAW, 1975 PA 238, MCL 722.622.**

1 (E) "CPS EMPLOYEE" MEANS AN EMPLOYEE IN THE CHILD PROTECTIVE
2 SERVICES PROGRAM OR SUCCESSOR PROGRAM OF THE DEPARTMENT OF HEALTH
3 AND HUMAN SERVICES.

4 (F) "LAW ENFORCEMENT OFFICER" MEANS THAT TERM AS DEFINED IN
5 SECTION 2 OF THE MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS
6 ACT, 1965 PA 203, MCL 28.602.

7 (2) IF, IN THE COURSE OF INVESTIGATING SUSPECTED CHILD ABUSE
8 OR CHILD NEGLECT, A CPS EMPLOYEE HAS REASONABLE CAUSE TO SUSPECT
9 ANIMAL ABUSE OR NEGLECT, THE CPS EMPLOYEE SHALL IMMEDIATELY MAKE OR
10 CAUSE TO BE MADE AN ORAL REPORT OF THE SUSPECTED ANIMAL ABUSE OR
11 NEGLECT TO AN ANIMAL CONTROL OFFICER OR LAW ENFORCEMENT OFFICER FOR
12 THE JURISDICTION WHERE THE ANIMAL WAS FOUND.

13 (3) WITHIN 72 HOURS AFTER THE ORAL REPORT IS MADE, THE CPS
14 EMPLOYEE SHALL FILE A WRITTEN REPORT WITH AN ANIMAL CONTROL OFFICER
15 OR LAW ENFORCEMENT OFFICER FOR THE JURISDICTION WHERE THE ANIMAL
16 WAS FOUND. THE WRITTEN REPORT MUST CONTAIN A DESCRIPTION OF THE
17 ANIMAL AND OF THE ANIMAL ABUSE OR NEGLECT. THE WRITTEN REPORT MUST
18 CONTAIN THE NAME AND ADDRESS OF THE ANIMAL'S OWNER OR KEEPER IF
19 THAT INFORMATION IS AVAILABLE TO THE CPS EMPLOYEE. THE WRITTEN
20 REPORT MUST CONTAIN OTHER INFORMATION AVAILABLE TO THE CPS EMPLOYEE
21 THAT MIGHT ASSIST AN ANIMAL CONTROL OFFICER OR LAW ENFORCEMENT
22 OFFICER TO ESTABLISH THE CAUSE OF THE ANIMAL ABUSE OR NEGLECT AND
23 THE MANNER IN WHICH THE ANIMAL ABUSE OR NEGLECT OCCURRED.

24 (4) THE IDENTITY OF A CPS EMPLOYEE WHO MAKES A REPORT UNDER
25 THIS SECTION IS CONFIDENTIAL AND SUBJECT TO DISCLOSURE ONLY WITH
26 THE CONSENT OF THAT CPS EMPLOYEE OR BY JUDICIAL PROCESS. A CPS
27 EMPLOYEE WHO MAKES A REPORT UNDER THIS SECTION IS PRESUMED TO HAVE

1 ACTED IN GOOD FAITH. A CPS EMPLOYEE ACTING IN GOOD FAITH WHO MAKES
2 A REPORT UNDER THIS SECTION OR COOPERATES IN AN INVESTIGATION OF
3 THE SUSPECTED ANIMAL ABUSE OR NEGLECT IS IMMUNE FROM CIVIL OR
4 CRIMINAL LIABILITY THAT MIGHT OTHERWISE BE INCURRED BY THAT ACTION.
5 THIS IMMUNITY FROM CIVIL OR CRIMINAL LIABILITY DOES NOT EXTEND TO A
6 NEGLIGENT ACT THAT CAUSES PERSONAL INJURY OR DEATH.

7 (5) A CPS EMPLOYEE WHO IS REQUIRED BY THIS SECTION TO REPORT
8 AN INSTANCE OF SUSPECTED ANIMAL ABUSE OR NEGLECT AND WHO KNOWINGLY
9 FAILS TO DO SO IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
10 IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN
11 \$500.00, OR BOTH.

12 (6) A CPS EMPLOYEE WHO KNOWINGLY MAKES A FALSE REPORT OF
13 ANIMAL ABUSE OR NEGLECT UNDER THIS SECTION IS GUILTY OF A CRIME AS
14 FOLLOWS:

15 (A) IF THE ANIMAL ABUSE OR NEGLECT REPORTED WOULD NOT
16 CONSTITUTE A CRIME OR WOULD CONSTITUTE A MISDEMEANOR IF THE REPORT
17 WERE TRUE, THE CPS EMPLOYEE IS GUILTY OF A MISDEMEANOR PUNISHABLE
18 BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE
19 THAN \$100.00, OR BOTH.

20 (B) IF THE ANIMAL ABUSE OR NEGLECT REPORTED WOULD CONSTITUTE A
21 FELONY IF THE REPORT WERE TRUE, THE CPS EMPLOYEE IS GUILTY OF A
22 FELONY PUNISHABLE BY THE LESSER OF THE FOLLOWING:

23 (i) THE PENALTY FOR THE ANIMAL ABUSE OR NEGLECT FALSELY
24 REPORTED.

25 (ii) IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT
26 MORE THAN \$2,000.00, OR BOTH.

27 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.

2 Enacting section 2. This amendatory act does not take effect
3 unless Senate Bill No. _____ or House Bill No. 4441 (request no.
4 01718'17) of the 99th Legislature is enacted into law.