

HOUSE BILL NO. 5589

December 01, 2021, Introduced by Reps. Puri and Clements and referred to the Committee on Judiciary.

A bill to amend 1988 PA 426, entitled

"An act to regulate dangerous animals; to provide for the confinement, tattooing, or destruction of dangerous animals; and to provide penalties for the owners or keepers of dangerous animals that attack human beings,"

by amending the title and section 2 (MCL 287.322).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE
2 An act to regulate dangerous animals; to provide for the
3 confinement, ~~tattooing,~~ **identification**, or destruction of dangerous
4 animals; and to provide penalties for the owners or keepers of

1 dangerous animals that attack human beings.

2 Sec. 2. (1) Upon a sworn complaint that an animal is a
3 dangerous animal and ~~the animal~~ has caused serious injury or death
4 to ~~a person~~ **an individual** or has caused serious injury or death to
5 a dog, a district court magistrate, district court, or ~~a~~ municipal
6 court shall issue a summons to the owner ordering him or her to
7 appear to show cause why the animal should not be destroyed.

8 (2) Upon the filing of a sworn complaint as provided in
9 subsection (1), the **district court magistrate, district court,** or
10 ~~magistrate~~ **municipal court** shall order the owner to immediately
11 turn the animal over to ~~a proper~~ **an** animal control authority, ~~an~~
12 incorporated humane society, ~~a licensed~~ veterinarian, or ~~a~~ boarding
13 kennel, at the owner's option, to be retained ~~by them~~ until a
14 hearing is held and a decision is made for the disposition of the
15 animal. The owner shall notify the person ~~who~~ **that** retains the
16 animal under this ~~section~~ **subsection** of the complaint and order.
17 The **owner is responsible for the** expense of the boarding and
18 retention of the animal. ~~is to be borne by the owner.~~ The animal
19 ~~shall~~ **must** not be returned to the owner until ~~it~~ **the animal** has a
20 current rabies vaccination and ~~a~~ license as required by law.

21 (3) After a hearing, **if the animal is found to be a dangerous**
22 **animal that caused serious injury or death to an individual or a**
23 **dog,** the **district court** magistrate, **district court,** or **municipal**
24 court shall order the destruction of the animal, at the **owner's**
25 expense. ~~of the owner, if the animal is found to be a dangerous~~
26 ~~animal that caused serious injury or death to a person or a dog.~~
27 After a hearing, **if the animal has been previously adjudicated a**
28 **dangerous animal or is found to be a dangerous animal that did not**
29 **cause serious injury or death to an individual but is likely to**

1 **cause serious injury or death to an individual in the future**, the
 2 **district court magistrate, district court, or municipal** court may
 3 order the destruction of the animal, at the **owner's** expense. ~~of the~~
 4 ~~owner, if the court finds that the animal is a dangerous animal~~
 5 ~~that did not cause serious injury or death to a person but is~~
 6 ~~likely in the future to cause serious injury or death to a person~~
 7 ~~or in the past has been adjudicated a dangerous animal.~~

8 (4) If the **district court magistrate, district** court, or
 9 ~~magistrate-municipal court~~ finds that an animal is a dangerous
 10 animal ~~but that~~ has not caused serious injury or death to ~~a person,~~
 11 **an individual**, the **district court magistrate, district** court, or
 12 ~~magistrate-municipal court~~ shall notify the animal control
 13 authority for the county in which the complaint was filed of ~~the~~
 14 **all of the following:**

- 15 (a) **The** finding of the court. ~~, the~~
 16 (b) **The** name of the owner of the dangerous animal. ~~, and the~~
 17 (c) **The** address at which the animal was kept at the time of
 18 the finding. ~~of the court. In addition,~~

19 (5) If the **district court magistrate, district** court, or
 20 ~~magistrate-municipal court~~ finds that an animal is a dangerous
 21 animal that has not caused serious injury or death to an individual
 22 under subsection (4), the **district court magistrate, district**
 23 **court, or municipal court** shall order the owner of that animal to
 24 do 1 or more of the following:

- 25 (a) If the ~~animal that has been found to be a~~ dangerous animal
 26 is **a member** of the ~~canis familiaris~~ **Canis lupus familiaris** species,
 27 have ~~an~~ **a permanent** identification number ~~tattooed upon~~ **assigned to**
 28 the animal, at the owner's expense, by or under the supervision of
 29 a ~~licensed~~ veterinarian. ~~The identification number shall be~~

1 ~~assigned to the animal by the Michigan department of agriculture~~
2 ~~and shall be noted in its records pursuant to Act No. 309 of the~~
3 ~~Public Acts of 1939, being sections 287.301 to 287.308 of the~~
4 ~~Michigan Compiled Laws. The identification number shall be tattooed~~
5 ~~on the upper inner left rear thigh of the animal by means of~~
6 ~~indelible or permanent ink.~~

7 (b) Take specific steps, such as escape proof fencing or **an**
8 enclosure, ~~including that includes~~ a top or roof, to ensure that
9 the animal cannot escape or ~~nonauthorized individuals~~ **an**
10 **unauthorized individual** cannot enter the premises.

11 (c) Have the animal sterilized.

12 (d) Obtain and maintain liability insurance coverage
13 sufficient to protect the public from any damage or harm caused by
14 the animal.

15 (e) Take any other action appropriate to protect the public.