

SENATE BILL NO. 510

June 03, 2021, Introduced by Senators MCCANN, GEISS, CHANG, BRINKS and BULLOCK
and referred to the Committee on Agriculture.

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 sections 1, 2, and 3 (MCL 287.321, 287.322, and 287.323), and by adding sections 2a, 2b, 2c, 2d, 2e, 3a, and 3b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

2

An act to regulate dangerous animals, **potentially dangerous**

1 **dogs, and dangerous dogs;** to provide for the confinement ~~7~~
 2 ~~tattooing,~~ or destruction of dangerous animals; **to require the**
 3 **owners of potentially dangerous dogs and dangerous dogs to comply**
 4 **with certain requirements; to require the registration of dangerous**
 5 **dogs; to provide for the powers and duties of certain state and**
 6 **local governmental officers and entities;** and to ~~provide~~ **prohibit**
 7 **certain acts and prescribe** penalties. ~~for the owners or keepers of~~
 8 ~~dangerous animals that attack human beings.~~

9 Sec. 1. As used in this act:

10 (a) "Altered" means a dog that has undergone a professional
 11 sterilization procedure performed by a veterinarian that rendered
 12 the dog incapable of reproducing.

13 (b) "Animal care facility" means an animal shelter or other
 14 boarding facility where a dog may be cared for and housed or kept.

15 (c) "Animal control department" means an animal control
 16 shelter as that term is defined in section 1 of 1969 PA 287, MCL
 17 287.331.

18 (d) "Attack" means the deliberate act of an animal, whether or
 19 not in response to a command by its owner, to bite, seize with its
 20 teeth, or pursue an individual or domestic animal with the intent
 21 to kill, wound, injure, or harm.

22 (e) ~~(a)~~ "Dangerous animal" means ~~a dog or other~~ **an animal,**
 23 **other than a dog,** that bites or attacks ~~a person, or a dog that~~
 24 ~~bites or attacks and causes serious injury or death to another dog~~
 25 ~~while the other dog is on the property or under the control of its~~
 26 ~~owner. However, a dangerous~~ **an individual or domestic animal.**

27 **Dangerous** animal does not include any of the following:

28 (i) An animal that bites or attacks ~~a person~~ **an individual** who
 29 is knowingly trespassing on the property of the animal's owner.

1 (ii) An animal that bites or attacks ~~a person~~ **an individual** who
2 provokes or torments the animal.

3 (iii) An animal that is responding in a manner that an ordinary
4 and reasonable person would conclude was designed to protect a
5 ~~person~~ **an individual** if that ~~person~~ **individual** is engaged in a
6 lawful activity or is the subject of an assault.

7 (iv) Livestock.

8 (f) "Dangerous dog" means 1 or more of the following, subject
9 to subdivision (g):

10 (i) A dog that has been determined to be a potentially
11 dangerous dog and whose owner has been given notice that the dog is
12 a potentially dangerous dog, if 1 of the following is satisfied:

13 (A) The dog bites, attacks, or threatens the safety of an
14 individual or a domestic animal.

15 (B) The owner maintains the dog in violation of this act.

16 (ii) A dog that kills or inflicts severe injury on an
17 individual without provocation.

18 (iii) A dog that kills a domestic animal without provocation, if
19 the dog is not on its owner's real property.

20 (iv) A dog that has been used or trained for dog fighting.

21 (v) A dog that has committed at least 3 reported and
22 documented bites without provocation.

23 (g) "Dangerous dog" or "potentially dangerous dog" does not
24 include a dog that threatens, injures, or damages an individual,
25 animal, or property under 1 or more of the following circumstances:

26 (i) The individual was committing a willful trespass or other
27 unlawful conduct upon the owner's real property.

28 (ii) The individual was intentionally provoking, tormenting,
29 abusing, or assaulting the dog, its owner, or a family member of

1 the owner.

2 (iii) The individual was committing or attempting to commit a
3 crime.

4 (iv) A domestic animal was attacking or menacing the dog.

5 (v) An animal was attacking or menacing the dog while on the
6 owner's real property.

7 (vi) The dog was responding to pain or injury or protecting its
8 offspring.

9 (vii) The dog was protecting or defending an individual within
10 the immediate vicinity of the dog from an attack or assault.

11 (viii) The dog was working as a hunting dog, herding dog, or
12 predator control dog on the owner's real property or under the
13 control of its owner, and the injury or damage was to a species or
14 type of domestic animal appropriate to the work of the dog.

15 (h) "Dog" means an animal within the canine family.

16 (i) "Domestic animal" means a dog, cat, poultry, farm animal,
17 or any other animal that is kept, bred, bought, sold, or considered
18 by the owner to be a pet.

19 (j) "Impound" means to seize and take into the custody of an
20 animal control department.

21 (k) ~~(b)~~ "Livestock" means animals used for human food ~~and or~~
22 fiber or animals used for service to ~~human beings.~~ **humans.**
23 Livestock includes, but is not limited to, cattle, swine, sheep,
24 llamas, goats, bison, equine, poultry, and rabbits. Livestock does
25 not include **domestic** animals. ~~that are human companions, such as~~
26 ~~dogs and cats.~~

27 (l) ~~(e)~~ "Owner" means ~~a person~~ **an individual** who owns, ~~or~~
28 harbors, ~~a dog or other~~ **keeps, possesses, or has control or custody**
29 **of a dog or other** animal.

1 (m) Owner's real property" means real property owned or leased
 2 by the owner of a dog or other animal. Owner's real property does
 3 not include a public right-of-way or a common area of a condominium
 4 complex, manufactured home park, apartment complex, or townhouse
 5 development.

6 (n) "Potentially dangerous dog" means 1 or more of the
 7 following, subject to subdivision (g):

8 (i) A dog that has a known propensity or disposition, as
 9 indicated by sworn statements from at least 2 adults and an
 10 investigation by an appropriate authority, to attack without
 11 provocation and in a menacing fashion or to threaten the safety of
 12 humans or domestic animals.

13 (ii) A dog that has inflicted severe injury on a domestic
 14 animal that is on or chased from the owner's real property or under
 15 the control of its owner, if the dog inflicted the injury while on
 16 property other than its owner's real property.

17 (iii) A dog that bites an individual without provocation and
 18 inflicts a severe injury upon that individual.

19 (o) ~~(d)~~ "Provoke" means to perform a willful act or omission
 20 that an ordinary and reasonable person would conclude is likely to
 21 precipitate ~~the~~ a bite or attack by ~~an ordinary~~ a dog or **other**
 22 animal.

23 ~~(e) "Serious injury" means permanent, serious disfigurement,~~
 24 ~~serious impairment of health, or serious impairment of a bodily~~
 25 ~~function of a person.~~

26 (p) "Severe injury" means physical injury that results in
 27 broken bones, muscle tears, multiple bite wounds, or disfiguring
 28 lacerations and requires multiple surgeries or corrective or
 29 cosmetic surgery.

1 (q) "State veterinarian" means the chief animal health
2 official of this state as appointed by the director of the
3 department of agriculture and rural development under section 7 of
4 the animal industry act, 1988 PA 466, MCL 287.707, or his or her
5 authorized representative.

6 (r) ~~(f)~~ "Torment" means an act or omission that causes
7 unjustifiable pain, suffering, and distress to ~~an~~ a dog or other
8 animal, or causes mental and emotional anguish in the dog or other
9 animal as evidenced by its altered behavior, for a purpose such as
10 sadistic pleasure, coercion, or punishment that an ordinary and
11 reasonable person would conclude is likely to precipitate ~~the~~ a
12 bite or attack.

13 (s) "Without provocation" means that the victim was conducting
14 himself or herself lawfully and peacefully at the time he or she
15 was bitten, attacked, or threatened, or chased in a menacing
16 fashion by a dog.

17 (t) "Veterinarian" means an individual licensed to practice
18 veterinary medicine under part 188 of the public health code, 1978
19 PA 368, MCL 333.18801 to 333.18838.

20 Sec. 2. (1) Upon a sworn complaint that an animal is a
21 dangerous animal and ~~the animal~~ has caused ~~serious~~ **severe** injury or
22 death to ~~a person~~ **an individual** or ~~has caused serious injury or~~
23 ~~death to a dog,~~ **domestic animal**, a district court magistrate,
24 district court, or ~~a~~ municipal court shall issue a summons to the
25 owner ordering him or her to appear to show cause why the animal
26 should not be destroyed.

27 (2) Upon the filing of a sworn complaint as provided in
28 subsection (1), the **district court magistrate, district court,** or
29 ~~magistrate~~ **municipal court** shall order the owner to immediately

1 turn the animal over to a ~~proper~~ **an** animal control ~~authority,~~
2 **department**, an incorporated humane society, a ~~licensed~~
3 veterinarian, or a boarding kennel, at the owner's option, to be
4 retained ~~by them~~ until a hearing is held and a decision is made for
5 the disposition of the animal. The owner shall notify the person
6 ~~who~~ **that** retains the animal under this ~~section~~ **subsection** of the
7 complaint and order. The **owner is responsible for the** expense of
8 the boarding and retention of the animal. ~~is to be borne by the~~
9 ~~owner.~~ The animal ~~shall~~ **must** not be returned to the owner until ~~it~~
10 **the animal** has a current rabies vaccination and a ~~license~~ as
11 required by law.

12 (3) After a hearing, **if the animal is found to be a dangerous**
13 **animal that caused severe injury or death to an individual or a**
14 **domestic animal**, the **district court** magistrate, **district court**, or
15 **municipal** court shall order the destruction of the animal, at the
16 **owner's** expense. ~~of the owner, if the animal is found to be a~~
17 ~~dangerous animal that caused serious injury or death to a person or~~
18 ~~a dog.~~ After a hearing, **if the court finds that the animal is a**
19 **dangerous animal that did not cause severe injury or death to an**
20 **individual or a domestic animal, but is likely to cause severe**
21 **injury or death to an individual or a domestic animal in the**
22 **future**, the court may order the destruction of the animal, at the
23 **owner's** expense. ~~of the owner, if the court finds that the animal~~
24 ~~is a dangerous animal that did not cause serious injury or death to~~
25 ~~a person but is likely in the future to cause serious injury or~~
26 ~~death to a person or in the past has been adjudicated a dangerous~~
27 ~~animal.~~

28 (4) If the **district** court **magistrate, district court**, or
29 ~~magistrate~~ **municipal court** finds that an animal is a dangerous

1 animal ~~but that~~ has not caused ~~serious~~ **severe** injury or death to a
 2 ~~person, an individual or a domestic animal~~, the **district court**
 3 **magistrate, district court**, or ~~magistrate municipal court~~ shall
 4 notify the animal control authority ~~department~~ for the county in
 5 which the complaint was filed of ~~the~~ **all of the following**
 6 **information:**

7 (a) **The** finding of the court. ~~the~~

8 (b) **The** name of the owner of the dangerous animal. ~~and the~~

9 (c) **The** address at which the animal was kept at the time of
 10 the finding of the court. ~~In addition,~~

11 (5) If the **district court magistrate, district court**, or
 12 ~~magistrate municipal court~~ **finds that an animal is a dangerous**
 13 **animal that has not caused severe injury or death to an individual**
 14 **or a domestic animal, the district court magistrate, district**
 15 **court, or municipal court** shall order the owner of that animal to
 16 do 1 or more of the following:

17 ~~(a) If the animal that has been found to be a dangerous animal~~
 18 ~~is of the canis familiaris species, have an identification number~~
 19 ~~tattooed upon the animal, at the owner's expense, by or under the~~
 20 ~~supervision of a licensed veterinarian. The identification number~~
 21 ~~shall be assigned to the animal by the Michigan department of~~
 22 ~~agriculture and shall be noted in its records pursuant to Act No.~~
 23 ~~309 of the Public Acts of 1939, being sections 287.301 to 287.308~~
 24 ~~of the Michigan Compiled Laws. The identification number shall be~~
 25 ~~tattooed on the upper inner left rear thigh of the animal by means~~
 26 ~~of indelible or permanent ink.~~

27 (a) ~~(b)~~ Take specific steps, such as escape proof fencing or
 28 **an enclosure**, ~~including that includes~~ a top or roof, to ensure
 29 that the animal cannot escape ~~or nonauthorized and unauthorized~~

1 individuals cannot enter the premises.

2 **(b)** ~~(e)~~—Have the animal sterilized.

3 **(c)** ~~(d)~~—Obtain and maintain liability insurance coverage
4 sufficient to protect the public from any damage or harm caused by
5 the animal.

6 **(d)** ~~(e)~~—Take any other action appropriate to protect the
7 public.

8 **Sec. 2a.** Upon the filing of a sworn complaint that a dog is a
9 potentially dangerous dog or dangerous dog, a district court
10 magistrate, district court, or municipal court shall do both of the
11 following:

12 **(a)** Issue a summons to the owner ordering him or her to appear
13 to show cause why the dog should not be declared a potentially
14 dangerous dog or dangerous dog.

15 **(b)** If the dog poses an immediate threat to public safety,
16 order that the animal control department or law enforcement agency
17 impound the dog, at the owner's expense, until a hearing is held
18 and a decision is made for the disposition of the dog.

19 **Sec. 2b. (1)** After a hearing under section 2a, if the district
20 court magistrate, district court, or municipal court finds that a
21 dog is a potentially dangerous dog, the district court magistrate,
22 district court, or municipal court shall order the owner to do all
23 of the following:

24 **(a)** Have the dog sterilized and vaccinated for rabies.

25 **(b)** Obtain a license for the dog as provided in the dog law of
26 1919, 1919 PA 339, MCL 287.261 to 287.290.

27 **(c)** Not later than 30 days after the district court
28 magistrate, district court, or municipal court issues its finding,
29 give written notice of the finding to the local branch of the

1 United States Post Office and all utility companies that provide
2 services to the owner's real property. The owner shall provide a
3 copy of each notice given under this section to the animal control
4 department.

5 (d) Disclose the finding in writing to each provider of
6 service or treatment to the dog. As used in this subdivision,
7 "provider of service or treatment" includes, but is not limited to,
8 all of the following:

9 (i) A veterinarian.

10 (ii) A dog groomer.

11 (iii) A staff member of a humane society or other animal welfare
12 agency.

13 (iv) An animal care facility worker.

14 (v) A professional dog handler or trainer.

15 (e) While on the owner's real property, keep the dog indoors
16 or in a securely fenced yard from which the dog cannot escape and
17 into which children cannot trespass.

18 (f) While outside the owner's real property, keep the dog
19 under the control of a responsible adult and restrained on a leash
20 that is not more than 6 feet long.

21 (2) Except as provided in subsection (3), after a hearing
22 under section 2a, if the district court magistrate, district court,
23 or municipal court finds that a dog is a dangerous dog and if the
24 release of the dog would pose a significant threat to public
25 health, safety, or welfare, the district court magistrate, district
26 court, or municipal court shall order 1 or more of the following,
27 and in addition, may prohibit the owner from owning, possessing,
28 controlling, or having custody of a dog for a time period of up to
29 3 years:

1 (a) The owner to relinquish the dog to the animal control
2 department.

3 (b) The animal control department to euthanize the dog.

4 (3) After a hearing under section 2a, if the district court
5 magistrate, district court, or municipal court finds that the dog
6 is a dangerous dog but does not order the dog to be euthanized
7 under subsection (2), the district court magistrate, district
8 court, or municipal court shall order the owner to do all of the
9 following:

10 (a) Complete the requirements under subsection (1)(a) to (d).

11 (b) Have a veterinarian implant the dog with a microchip.

12 (c) While on the owner's real property, confine the dog
13 indoors or in a securely enclosed and locked structure of a
14 sufficient height and design to prevent the dog's escape or direct
15 contact with or entry by an individual or another animal, and that
16 is designed to provide shelter from the elements.

17 (d) While outside the owner's real property, the owner shall
18 do all of the following:

19 (i) Ensure that the dog is wearing a muzzle that prevents the
20 dog from biting an individual or other animal, but that does not
21 injure the dog or interfere with its breathing.

22 (ii) Keep the dog under the control of a responsible adult.

23 (iii) Restrain the dog on a leash that is not more than 6 feet
24 long.

25 Sec. 2c. (1) The owner of a dog that is found to be a
26 potentially dangerous dog or dangerous dog under section 2a shall
27 notify the animal control department if any of the following occur:

28 (a) The dog is loose or unconfined.

29 (b) The dog bites an individual or attacks an animal.

1 (c) The dog is sold, given away, or dies.

2 (2) If the owner of a dog that is found to be a potentially
3 dangerous dog or dangerous dog under section 2a moves to a new
4 address, the owner shall notify the animal control department
5 having jurisdiction of his or her previous address and the animal
6 control department having jurisdiction of his or her new address
7 within 10 days after the owner moves.

8 (3) The owner of a dangerous dog shall not sell or otherwise
9 transfer ownership of the dog. The owner of a dangerous dog shall
10 not relinquish the dog to an animal control department except for
11 the purposes of euthanasia.

12 Sec. 2d. (1) The animal control department shall maintain a
13 list of all dogs within its jurisdiction that have been found to be
14 potentially dangerous dogs under section 2a for 5 years.

15 (2) The animal control department may remove a potentially
16 dangerous dog from the list maintained under subsection (1) if the
17 owner demonstrates to the satisfaction of the animal control
18 department that a change in circumstances or an action taken by the
19 owner has mitigated the risk the dog poses to public safety.

20 Sec. 2e. (1) Not later than 10 days after a dog is found to be
21 a dangerous dog under section 2a, the owner shall obtain a
22 dangerous dog registration certificate and tag that identifies the
23 dog as a dangerous dog from the animal control department for a fee
24 of not less than \$100.00, to be determined by the county board of
25 commissioners for the county within which the animal control
26 department is located. The tag described in this subsection must be
27 of a uniform design developed by the same entity that develops the
28 dog licenses for the animal control department issuing the tag, and
29 must specify, in large letters, the phrase "dangerous dog". A

1 registration certificate or renewal of a registration certificate
2 under this subsection must only be issued to an individual who is
3 18 years of age or older. The animal control department shall only
4 issue a registration certificate or renewal of a registration
5 certificate to an owner who presents satisfactory evidence of all
6 of the following:

7 (a) That the dog is vaccinated for rabies, altered, and
8 microchipped as required under section 2b(3).

9 (b) That the dog is confined indoors or in a securely enclosed
10 and locked structure of a sufficient height and design to prevent
11 the dog's escape or direct contact with or entry by an individual
12 or other animal, and that is designed to provide shelter from the
13 elements.

14 (c) That the owner posts clearly visible signs on his or her
15 property warning individuals that a dangerous dog is present on the
16 property.

17 (d) That the owner has 1 of the following:

18 (i) Liability insurance coverage that covers dog bites in an
19 amount of at least \$100,000.00.

20 (ii) A surety bond in an amount of at least \$100,000.00.

21 (2) The owner shall affix the tag described in subsection (1)
22 to the dog's collar and ensure that the dog wears the collar and
23 tag at all times.

24 (3) The owner shall, for a fee, annually renew a registration
25 certificate under subsection (1) in the same manner in which the
26 initial registration certificate was obtained.

27 (4) The animal control department shall provide a copy of each
28 dangerous dog registration issued under this section and
29 verification of compliance with subsection (1) to the state

1 **veterinarian.**

2 Sec. 3. (1) The owner of an animal that meets the definition
3 of a dangerous animal in section ~~1(a)-1~~ that causes the death of a
4 ~~person~~**an individual** is guilty of involuntary manslaughter,
5 punishable under section 321 of the Michigan penal code, ~~Act No.~~
6 ~~328 of the Public Acts of 1931, being section 750.321 of the~~
7 ~~Michigan Compiled Laws.~~**1931 PA 328, MCL 750.321.**

8 (2) If an animal that meets the definition of a dangerous
9 animal in section ~~1(a)-1~~ attacks a ~~person~~**an individual** and causes
10 ~~serious~~**severe** injury other than death, the owner of the animal is
11 guilty of a felony ~~punishable by imprisonment~~**1 or more of the**
12 **following:**

- 13 (a) **Imprisonment** for not more than 4 years. ~~or~~
14 (b) **A** fine of not less than \$2,000.00. ~~or~~
15 (c) **Not less than 500 hours of** community service. ~~work for not~~
16 ~~less than 500 hours, or any combination of these penalties.~~

17 (3) If an animal previously adjudicated to be a dangerous
18 animal attacks or bites a ~~person~~**an individual** and causes an injury
19 that is not a ~~serious~~**severe** injury, the owner of the animal is
20 guilty of a misdemeanor ~~punishable by imprisonment~~**1 or more of**
21 **the following:**

- 22 (a) **Imprisonment** for not more than 90 days. ~~or~~
23 (b) **A** fine of not less than \$250.00 ~~nor~~**or** more than \$500.00.
24 ~~or~~
25 (c) **Not less than 240 hours of** community service. ~~work for not~~
26 ~~less than 240 hours, or any combination of these penalties.~~

27 (4) If the owner of an animal that is previously adjudicated
28 to be a dangerous animal allows the animal to run at large, the
29 owner is guilty of a misdemeanor ~~punishable by imprisonment~~**1 or**

1 more of the following:

2 (a) **Imprisonment** for not more than 90 days. ~~7-a~~

3 (b) **A** fine of not less than \$250.00 ~~nor~~ **or** more than \$500.00.

4 ~~7-e~~

5 (c) **Not less than 240 hours of** community service. ~~work for not~~
6 ~~less than 240 hours, or any combination of these penalties.~~

7 (5) The court may order ~~a person~~ **an individual** convicted under
8 this section to pay the costs of the prosecution.

9 **Sec. 3a. (1) If the owner of a potentially dangerous dog or**
10 **dangerous dog fails to comply with this act, he or she is guilty of**
11 **a felony punishable by 1 or more of the following:**

12 (a) **Imprisonment** for not more than 4 years.

13 (b) **A** fine of not less than \$2,000.00.

14 (c) **Not less than 500 hours of community service.**

15 (2) **If a potentially dangerous dog or dangerous dog attacks an**
16 **individual after a finding is made under section 2a, the owner**
17 **shall relinquish the dog to the appropriate animal control**
18 **department within 7 days. The animal control department shall**
19 **euthanize the dog.**

20 **Sec. 3b. The governing body of a local unit of government may**
21 **enact an ordinance regulating potentially dangerous dogs and**
22 **dangerous dogs that is substantially similar to sections 2a to 2e.**