

# HOUSE BILL NO. 6282

December 10, 2024, Introduced by Rep. Skaggs and referred to the Committee on Government Operations.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 49 (MCL 750.49), as amended by 2019 PA 176.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1       Sec. 49. (1) As used in this section:
- 2       (a) "Animal" means a vertebrate other than a human being.
- 3       (b) "Animal control agency" means an animal control shelter,
- 4       an animal protection shelter, or a law enforcement agency. As used
- 5       in this subdivision, "animal control shelter" and "animal
- 6       protection shelter" mean those terms as defined in section 1 of

1 1969 PA 287, MCL 287.331, and are facilities licensed with the  
2 department of agriculture and rural development under section 4 of  
3 1969 PA 287, MCL 287.334.

4 (2) A person shall not knowingly do any of the following:

5 (a) Own, possess, use, buy, sell, offer to buy or sell,  
6 import, or export an animal for fighting or baiting, or as a target  
7 to be shot at as a test of skill in marksmanship.

8 (b) Be a party to or cause the fighting, baiting, or shooting  
9 of an animal as described in subdivision (a).

10 (c) Rent or otherwise obtain the use of a building, shed,  
11 room, yard, ground, premises, vehicle, or any other venue for  
12 fighting, baiting, or shooting an animal as described in  
13 subdivision (a).

14 (d) Permit the use of a building, shed, room, yard, ground,  
15 premises, vehicle, or any other venue belonging to ~~him or her~~ **the**  
16 **person** or under ~~his or her~~ **the person's** control for any of the  
17 purposes described in this section.

18 (e) Organize, promote, or collect money, property, or any  
19 other thing of value for the fighting, baiting, or shooting of an  
20 animal as described in subdivisions (a) to (d).

21 (f) Be present at a building, shed, room, yard, ground,  
22 premises, vehicle, or any other venue where preparations are being  
23 made for an exhibition described in subdivisions (a) to (d), or be  
24 present at the exhibition, knowing that an exhibition is taking  
25 place or about to take place.

26 (g) Breed, buy, sell, offer to buy or sell, exchange, import,  
27 or export an animal the person knows has been trained or used for  
28 fighting as described in subdivisions (a) to (d), or breed, buy,  
29 sell, offer to buy or sell, exchange, import, or export the

1 offspring of an animal the person knows has been trained or used  
2 for fighting as described in subdivisions (a) to (d). This  
3 subdivision does not prohibit owning, breeding, buying, selling,  
4 offering to buy or sell, exchanging, importing, or exporting an  
5 animal for agricultural or agricultural exposition purposes. This  
6 subdivision does not prohibit an animal control agency from owning,  
7 adopting, or transferring ownership of an animal for the purpose of  
8 adoption of an animal trained or used for fighting as described in  
9 subdivisions (a) to (d) or an animal that is the first- or second-  
10 generation offspring of an animal trained or used for fighting as  
11 described in subdivisions (a) to (d). If an animal is found fit for  
12 placement and is transferred or adopted, the animal control agency  
13 that transfers or adopts the animal shall do all of the following:

14 (i) Sterilize the animal or collect a good-faith deposit for  
15 sterilization as required under section 8a of 1969 PA 287, MCL  
16 287.338a.

17 (ii) Provide a copy of the animal's history, including, but not  
18 limited to, a description of why the animal was seized, veterinary  
19 records, and a copy of subsections (8) to (14) to the person to  
20 whom the animal is transferred or adopted.

21 (h) Own, possess, use, buy, sell, offer to buy or sell,  
22 transport, or deliver any device or equipment intended for use in  
23 the fighting, baiting, or shooting of an animal as described in  
24 subdivisions (a) to (d).

25 (3) A person who violates subsection (2)(a) to (e) is guilty  
26 of a felony punishable by 1 or more of the following:

27 (a) Imprisonment for not more than 4 years.

28 (b) A fine of not less than \$5,000.00 or more than \$50,000.00.

29 (c) Not less than 500 or more than 1,000 hours of community

1 service.

2 (4) A person who violates subsection (2)(f) to (h) is guilty  
3 of a felony punishable by 1 or more of the following:

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

5 (b) A fine of not less than \$1,000.00 or more than \$5,000.00.

6 (c) Not less than 250 or more than 500 hours of community  
7 service.

8 (5) The court may order a person convicted of violating this  
9 section to pay the costs of prosecution.

10 (6) The court may order a person convicted of violating this  
11 section to pay the costs for investigating the violation of this  
12 section, disposition of the animal, and housing and caring for the  
13 animal, including, but not limited to, providing veterinary medical  
14 treatment. As used in this subsection, "disposition" includes the  
15 transfer, euthanasia, or adoption of an animal.

16 (7) As part of the sentence for a violation of subsection (2),  
17 the court shall order the person convicted not to own or possess an  
18 animal of the same species involved in the violation of this  
19 section for 5 years after the date of sentencing. Failure to comply  
20 with the order of the court ~~pursuant to~~ **under** this subsection is  
21 punishable as contempt of court.

22 (8) If a person incites an animal trained or used for fighting  
23 or an animal that is the first- or second-generation offspring of  
24 an animal trained or used for fighting to attack a person and the  
25 attack causes the death of that person, the owner is guilty of a  
26 felony punishable by imprisonment for life or for a term of years  
27 greater than 15 years.

28 (9) If a person incites an animal trained or used for fighting  
29 or an animal that is the first- or second-generation offspring of

1 an animal trained or used for fighting to attack a person, but the  
2 attack does not result in the death of the person, the owner is  
3 guilty of a felony punishable by imprisonment for not more than 4  
4 years or a fine of not more than \$2,000.00, or both.

5 (10) If an animal trained or used for fighting or an animal  
6 that is the first- or second-generation offspring of an animal  
7 trained or used for fighting attacks a person without provocation  
8 and causes the death of that person, the owner of the animal is  
9 guilty of a felony punishable by imprisonment for not more than 15  
10 years.

11 (11) If an animal trained or used for fighting or an animal  
12 that is the first- or second-generation offspring of an animal  
13 trained or used for fighting attacks a person without provocation,  
14 but the attack does not cause the death of the person, the owner is  
15 guilty of a misdemeanor punishable by imprisonment for not more  
16 than 1 year or a fine of not more than \$1,000.00, or both.

17 (12) Subsections (8) to (11) do not apply if the person  
18 attacked was committing or attempting to commit an unlawful act on  
19 the property of the owner of the animal.

20 (13) If an animal trained or used for fighting or an animal  
21 that is the first- or second-generation offspring of a dog trained  
22 or used for fighting goes beyond the property limits of its owner  
23 without being securely restrained, the owner is guilty of a  
24 misdemeanor punishable by imprisonment for not more than 90 days or  
25 a fine of not less than \$50.00 nor more than \$500.00, or both.

26 (14) If an animal trained or used for fighting or an animal  
27 that is the first- or second-generation offspring of a dog trained  
28 or used for fighting is not securely enclosed or restrained on the  
29 owner's property, the owner is guilty of a misdemeanor punishable

1 by imprisonment for not more than 90 days or a fine of not more  
2 than \$500.00, or both.

3 (15) Subsections (8) to (14) do not apply to any of the  
4 following:

5 (a) A dog trained or used for fighting, or the first- or  
6 second-generation offspring of a dog trained or used for fighting,  
7 that is used by a law enforcement agency of this state or a county,  
8 city, village, or township.

9 (b) A certified leader dog recognized and trained by a  
10 national guide dog association for the blind or for persons with  
11 disabilities.

12 (c) A corporation licensed under the private security business  
13 and security alarm act, 1968 PA 330, MCL 338.1051 to 338.1092, when  
14 a dog trained or used for fighting, or the first- or second-  
15 generation offspring of a dog trained or used for fighting, is used  
16 in accordance with the private security business and security alarm  
17 act, 1968 PA 330, MCL 338.1051 to 338.1092.

18 (16) Except as provided in subsection (20), an animal that has  
19 been used to fight in violation of this section or that is involved  
20 in a violation of subsections (8) to (14) must be confiscated by a  
21 law enforcement officer and must not be returned to the owner,  
22 trainer, or possessor of the animal. The animal must be taken to a  
23 local animal control agency. If an animal owner, trainer, or  
24 possessor is convicted of violating subsection (2) or subsections  
25 (8) to (14), the court shall award the animal involved in the  
26 violation to the animal control agency for evaluation and  
27 disposition.

28 (17) An animal control agency taking custody of an animal  
29 under subsection (16) shall give notice ~~within~~ **not later than** 72

1 hours after seizure of the animal by registered mail to the last  
2 known address of the animal's owner, if the owner of the animal is  
3 known. If the owner of the animal is unknown, an animal control  
4 agency taking custody of an animal under subsection (16) shall give  
5 notice ~~within~~ **not later than** 72 hours after seizure of the animal  
6 by 1 of the following methods:

7 (a) Posting at the location of the seizure.

8 (b) Delivery to a person residing at the location of the  
9 seizure.

10 (c) Registered mail to the location of the seizure.

11 (18) The notice required under subsection (17) must include  
12 all of the following:

13 (a) A description of each animal seized.

14 (b) The time, date, location, and description of circumstances  
15 under which the animal was seized.

16 (c) The address and telephone number of the location where the  
17 animal is being held and contact information for the individual  
18 present at that location from whom security deposit or bond  
19 information may be obtained.

20 (d) A statement that the owner or possessor of the animal may  
21 post a security deposit or bond that may prevent the forfeiture of  
22 the animal for the duration of the criminal, forfeiture, or other  
23 court proceeding until the court makes a final determination  
24 regarding the animal's disposition, that failure to post a security  
25 deposit or bond within 14 days after the date on the notice will  
26 result in forfeiture of the animal, and that the owner or possessor  
27 of the animal may, before the expiration of the 14-day period  
28 described in this subdivision, request a hearing on whether the  
29 requirement to post a security deposit or bond is justified or

1 whether the cost associated with the security deposit or bond is  
2 fair and reasonable for the care of and provision for the seized  
3 animal. Notice of a request for a hearing under this subdivision  
4 must be served on the animal control agency holding the animal  
5 before the expiration of the 14-day period described in this  
6 subdivision. At a hearing on whether the requirement to post a  
7 security deposit or bond is justified, the prosecuting attorney has  
8 the burden to establish by a preponderance of the evidence that a  
9 violation of this section occurred. If the court finds that the  
10 prosecuting attorney has met its burden, the animal will be  
11 forfeited to the animal control agency that seized the animal  
12 unless the owner or possessor of the animal posts the required  
13 security deposit or bond. An owner or possessor's failure to appear  
14 at a scheduled hearing requested under this subdivision will result  
15 in automatic forfeiture of the animal if the date of the scheduled  
16 hearing is more than 14 days after the date on the notice described  
17 in this subdivision.

18 (e) A statement that the owner or possessor of the animal is  
19 responsible for all costs described in subsection (6), unless the  
20 court determines that the seizure of the animal was not  
21 substantially justified by law.

22 (19) An animal control agency that has custody of a seized  
23 animal under subsection (16) shall hold the animal for a period of  
24 14 consecutive days, including weekends and holidays, beginning on  
25 the date notice was given under subsection (17). After the  
26 expiration of the 14 days, if the owner or a possessor of the  
27 animal has not posted a security deposit or bond as provided in  
28 subsection (20), the animal is forfeited, and the animal control  
29 agency may dispose of the animal by adoption, transfer to another



1 animal control agency, or humane euthanasia.

2 (20) The owner or possessor of an animal seized under  
3 subsection (16) may prevent forfeiture and disposition of the  
4 animal by an animal control agency for the duration of the  
5 criminal, forfeiture, or other court proceeding until the court  
6 makes a final determination regarding the animal's disposition by  
7 posting a security deposit or bond with the court ~~within~~**not later**  
8 **than** 14 days after the date on the notice described in subsection  
9 (18). The bond must be in a sufficient amount to secure payment of  
10 all costs described in subsection (6) during a 30-day period of  
11 boarding and veterinary treatment of the animal after examination  
12 by a licensed veterinarian. The animal control agency shall  
13 determine the amount of the bond no later than 72 hours after the  
14 seizure of the animal, and shall make the amount of the bond  
15 available to the owner or possessor of the animal upon request. The  
16 owner or possessor of the animal shall provide proof of the  
17 security deposit or bond to the animal control agency no later than  
18 14 days after the date on the notice described in subsection (18).

19 (21) An animal control agency that is holding or requiring to  
20 be held a seized animal as provided in this section may draw on a  
21 security deposit or bond posted under subsection (20) or (22) to  
22 cover the actual reasonable costs incurred in the seizure, care,  
23 keeping, and disposition of the animal as described in subsection  
24 (6) from the date of the seizure to the date of the official  
25 disposition of the animal in the criminal action.

26 (22) If a security deposit or bond has been posted under  
27 subsection (20), and trial in the criminal action does not occur  
28 within the initial 30-day bond period or is continued to a later  
29 date, the owner or possessor shall post an additional security

1 deposit or bond in an amount determined sufficient to cover the  
2 costs described in subsection (6) as anticipated to be incurred by  
3 the animal control agency caring for the animal. The additional  
4 security deposit or bond must be calculated in 30-day increments  
5 and continue until the criminal action is resolved. If the owner or  
6 possessor of the animal fails to post a new security deposit or  
7 bond with the court before the previous security deposit or bond  
8 expires, the animal is forfeited to the animal control agency  
9 caring for the animal.

10 (23) If the owner or possessor that posted a security deposit  
11 or bond under subsection (20) or (22) is found not guilty in the  
12 criminal action, the amount of the security deposit or bond posted  
13 to prevent disposition of the animal may be returned to the owner  
14 or possessor at the court's discretion, and, subject to subsections  
15 (25) and (26), the animal must be returned to the owner.

16 (24) If a security deposit or bond is posted by an owner or  
17 possessor of an animal under subsection (20) or (22) and the court  
18 determines that the animal is a dangerous animal or lacks any  
19 useful purpose under subsection (26), the posting of the security  
20 deposit or bond must not prevent disposition of the animal.

21 (25) Upon receiving an animal seized under this section, or at  
22 any time thereafter, an animal control agency may humanely  
23 euthanize the animal or have the animal euthanized if, in the  
24 opinion of a licensed veterinarian, the animal is injured or  
25 diseased past recovery or the animal's continued existence is  
26 inhumane so that euthanasia is necessary to relieve pain and  
27 suffering. This subsection applies to an animal whether or not a  
28 security deposit or bond has been posted under subsection (20) or  
29 (22).

1           (26) An animal control agency that receives an animal under  
2 this section may apply to the district court or municipal court for  
3 a hearing to determine whether the animal must be humanely  
4 euthanized because of its lack of any useful purpose or the public  
5 safety threat it poses. The court shall hold a hearing not more  
6 than 30 days after the filing of the application and shall give  
7 notice of the hearing to the owner of the animal. Upon a finding by  
8 the court that the animal lacks any useful purpose or poses a  
9 threat to public safety, the animal control agency shall humanely  
10 euthanize the animal or have the animal euthanized. Expenses  
11 incurred in connection with the housing, care, upkeep, or  
12 euthanasia of the animal by an animal control agency, or by a  
13 person, firm, partnership, corporation, or other entity, may, in  
14 the court's discretion, be assessed against the owner of the  
15 animal.

16           (27) Subject to subsections (16), (25), and (26), all animals  
17 being used or to be used in fighting, equipment, devices, and money  
18 involved in a violation of subsection (2) must be forfeited to this  
19 state. All other instrumentalities, proceeds, and substituted  
20 proceeds of a violation of subsection (2) are subject to forfeiture  
21 under chapter 47 of the revised judicature act of 1961, 1961 PA  
22 236, MCL 600.4701 to 600.4710.

23           (28) The seizing agency may deposit money seized under  
24 subsection (27) into an interest-bearing account in a financial  
25 institution. As used in this subsection, "financial institution"  
26 means a state or nationally chartered bank or a state or federally  
27 chartered savings and loan association, savings bank, or credit  
28 union whose deposits are insured by an agency of the United States  
29 government and that maintains a principal office or branch office

1 located in this state under the laws of this state or the United  
2 States.

3 (29) An attorney for a person who is charged with a violation  
4 of subsection (2) involving or related to money seized under  
5 subsection (27) must be ~~afforded~~**given** a period of 60 days ~~within~~  
6 ~~which in order~~ to examine ~~that the~~ money. ~~This~~**The** 60-day period  
7 ~~will begin to run~~**begins** after notice of forfeiture is given but  
8 before the money is deposited into a financial institution under  
9 subsection (28). If the attorney general, prosecuting attorney, or  
10 city or township attorney fails to sustain ~~his or her~~**the** burden of  
11 proof in forfeiture proceedings under subsection (27), the court  
12 shall order the return of the money, including any interest earned  
13 on money deposited into a financial institution under subsection  
14 (28).

15 (30) This section does not apply to conduct that is permitted  
16 by and is in compliance with any of the following:

17 (a) Part 401 of the natural resources and environmental  
18 protection act, 1994 PA 451, MCL 324.40101 to 324.40120.

19 (b) Part 435 of the natural resources and environmental  
20 protection act, 1994 PA 451, MCL 324.43501 to 324.43561.

21 (c) Part 427 of the natural resources and environmental  
22 protection act, 1994 PA 451, MCL 324.42701 to 324.42714.

23 (d) Part 417 of the natural resources and environmental  
24 protection act, 1994 PA 451, MCL 324.41701 to 324.41712.

25 (31) This section does not prohibit a person from being  
26 charged with, convicted of, or punished for any other violation of  
27 law that is committed by that person while violating this section.

28 Enacting section 1. This amendatory act does not take effect  
29 unless Senate Bill No.\_\_\_\_ or House Bill No.\_\_\_\_ (request no.

**1** 06071'24) of the 102nd Legislature is enacted into law.