

HOUSE BILL NO. 4131

February 26, 2025, Introduced by Reps. Aragona, BeGole, Wooden, McFall, Scott, Byrnes, Weiss, Price, Conlin, Coffia, Arbit, Longjohn, Dievendorf, Paiz, Miller, Brixie, MacDonell, Wilson, Koleszar, Rheingans, Andrews, Morgan, Farhat, Young, Hope, Martus, St. Germaine, Johnsen, Borton and Liberati and referred to Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 50 (MCL 750.50), as amended by 2019 PA 135.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 50. (1) As used in this section and section 50b:
- 2 (a) "Adequate care" means the provision of sufficient food,
- 3 water, shelter, sanitary conditions, exercise, and veterinary
- 4 medical attention in order to maintain an animal in a state of good
- 5 health.
- 6 (b) "Animal" means a vertebrate other than a human being.

1 (c) "Animal control shelter" means a facility operated by a
2 county, city, village, or township to impound and care for animals
3 found in streets or otherwise at large contrary to an ordinance of
4 the county, city, village, or township or state law.

5 (d) "Animal protection shelter" means a facility operated by a
6 person, humane society, society for the prevention of cruelty to
7 animals, or any other nonprofit organization, for the care of
8 homeless animals.

9 (e) "Breeder" means a person that breeds animals other than
10 livestock or dogs for remuneration, or that is a large-scale dog
11 breeding kennel as that term is defined in section 1 of 1969 PA
12 287, MCL 287.331.

13 (f) "Licensed veterinarian" means ~~a person~~ **an individual**
14 licensed or otherwise authorized to practice veterinary medicine
15 under ~~article 15~~ **part 188** of the public health code, 1978 PA 368,
16 MCL ~~333.16101~~ **333.18801** to 333.18838.

17 (g) "Livestock" means that term as defined in section 3 of the
18 animal industry act, 1988 PA 466, MCL 287.703.

19 (h) "Neglect" means to fail to sufficiently and properly care
20 for an animal to the extent that the animal's health is
21 jeopardized.

22 (i) "Person" means an individual, partnership, limited
23 liability company, corporation, association, governmental entity,
24 or other legal entity.

25 (j) "Pet shop" means that term as defined in section 1 of 1969
26 PA 287, MCL 287.331.

27 (k) "Sanitary conditions" means space free from health hazards
28 including excessive animal waste, overcrowding of animals, or other
29 conditions that endanger the animal's health. ~~This definition does~~

1 **Sanitary conditions do** not include ~~any-a condition resulting that~~
2 **results** from a customary and reasonable **farming or animal husbandry**
3 ~~practice. pursuant to farming or animal husbandry.~~

4 (l) "Shelter" means adequate protection from the elements and
5 weather conditions suitable for the age, species, and physical
6 condition of the animal -so as to maintain the animal in a state of
7 good health. **If the elements and weather conditions pose an extreme**
8 **risk to the health or safety of an animal, adequate protection must**
9 **include protection or shade at all times necessary to maintain the**
10 **animal in a state of good health.** Shelter, for livestock, includes
11 structures or natural features such as trees or topography.

12 Shelter, for a dog, includes 1 or more of the following:

13 (i) The residence of the dog's owner or other individual **where**
14 **the dog is kept in a space with appropriate light, ventilation, and**
15 **temperature control.**

16 (ii) A doghouse that is an enclosed structure with a roof **and**
17 **floor** and of appropriate dimensions for the breed and size of the
18 dog. The doghouse must have dry bedding **to provide insulation and**
19 **protection from the cold and damp** when the outdoor temperature is
20 or is predicted to drop below freezing. **As used in this**
21 **subparagraph, "dry bedding" includes materials like straw or cedar**
22 **shavings but does not include a blanket, rag, or other material**
23 **that retains moisture.**

24 (iii) A structure, including a garage, barn, or shed, that is
25 sufficiently insulated and ventilated to protect the dog from
26 exposure to extreme temperatures or, if not sufficiently insulated
27 and ventilated, contains a doghouse as provided under subparagraph

28 (ii) that is accessible to the dog. **Unless modified to create**
29 **shelter that provides adequate protection from the elements and**

1 weather conditions suitable for the age, breed, and physical
2 condition of the dog so as to maintain the dog in a state of good
3 health, a structure under this subparagraph does not include a
4 crawl space under a building or under steps, a deck, or a stoop,
5 metal or plastic barrels, animal carriers, transport crates, or
6 wire crates that are designed to provide temporary housing. A
7 structure under this subparagraph does not include the space under
8 a vehicle, inside a vehicle that is not running appropriate climate
9 controls while under adult supervision, shelters made from
10 cardboard or other materials easily degraded by the elements, or
11 shelters with wire or chain-link floors.

12 (m) "State of good health" means freedom from disease and
13 illness, and in a condition of proper body weight and temperature
14 for the age and species of the animal, unless the animal is
15 undergoing appropriate treatment.

16 (n) "Tethering" means the restraint and confinement of a dog
17 by use of a chain, rope, or similar device.

18 (o) "Water" means potable water that is suitable for the age
19 and species of animal and that is made regularly available unless
20 otherwise directed by a licensed veterinarian.

21 (2) An owner, possessor, breeder, operator of a pet shop, or
22 person having the charge or custody of an animal shall not do any
23 of the following:

24 (a) Fail to provide an animal with adequate care.

25 (b) Cruelly drive, work, or beat an animal, or cause an animal
26 to be cruelly driven, worked, or beaten.

27 (c) Carry or cause to be carried in or upon a vehicle or
28 otherwise ~~any~~ a live animal having the feet or legs tied together,
29 other than an animal being transported for medical care or a horse

1 whose feet are hobbled to protect the horse during transport, or in
2 any other cruel and inhumane manner.

3 (d) Carry or cause to be carried a live animal in or upon a
4 vehicle or otherwise without providing a secure space, rack, car,
5 crate, or cage in which livestock may stand and in which all other
6 animals may stand, turn around, and lie down during transportation,
7 or while awaiting slaughter. As used in this subdivision, for
8 purposes of ~~transportation of~~ **transporting** sled dogs, "stand" means
9 sufficient vertical distance to allow the ~~animal~~ **sled dog** to stand
10 without its shoulders touching the top of the crate or
11 transportation vehicle.

12 (e) Abandon an animal or cause an animal to be abandoned, in
13 any place, without making provisions for the animal's adequate
14 care, unless premises are vacated for the protection of human life
15 or the prevention of injury to a human. An animal that is lost by
16 an owner or custodian while traveling, walking, hiking, or hunting
17 is not abandoned under this section when the owner or custodian has
18 made a reasonable effort to locate the animal.

19 (f) Negligently allow ~~any~~ **an** animal, including ~~one who~~ **an**
20 **animal that** is aged, diseased, maimed, hopelessly sick, disabled,
21 or nonambulatory to suffer unnecessary neglect, torture, or pain.

22 (g) Tether a dog unless the tether is at least 3 times the
23 length of the dog as measured from the tip of its nose to the base
24 of its tail and is attached to a harness or nonchoke collar
25 designed for tethering. This subdivision does not apply ~~if~~ **to** the
26 tethering of the dog ~~occurs~~ while the dog is being groomed,
27 trained, transported, or used in a hunt or event ~~where~~ **if** a shorter
28 tether is necessary for the safety and well-being of the dog and
29 others.

1 (3) If an animal is impounded and ~~is~~ being held by an animal
2 control shelter or its designee, ~~or~~ an animal protection shelter or
3 its designee, or a licensed veterinarian pending the outcome of a
4 criminal action charging a violation of this section or section
5 50b, before final disposition of the criminal charge, the
6 prosecuting attorney may file a civil action in the court that has
7 jurisdiction of the criminal action, requesting that the court
8 issue an order forfeiting the animal to the animal control shelter,
9 ~~or~~ animal protection shelter, or ~~to a~~ licensed veterinarian before
10 final disposition of the criminal charge. The prosecuting attorney
11 shall serve a true copy of the summons and complaint ~~upon~~ **on** the
12 defendant and ~~upon a~~ **any other** person with a known ownership
13 interest or known security interest in the animal or a person who
14 has filed a lien with the secretary of state on the animal. The
15 forfeiture of an animal under this section encumbered by a security
16 interest is subject to the interest of the holder of the security
17 interest if he or she did not have prior knowledge of or did not
18 consent to the commission of the crime. Upon the filing of the
19 civil action, the court shall set a hearing on the complaint. The
20 hearing must be conducted ~~within~~ **not later than** 14 days ~~of~~ **after**
21 the filing of the civil action, or as soon as practicable. The
22 hearing must be before a judge without a jury. At the hearing, the
23 prosecuting attorney has the burden of establishing by a
24 preponderance of the evidence that a violation of this section or
25 section 50b occurred. If the court finds that the prosecuting
26 attorney has met this burden, the court shall order immediate
27 forfeiture of the animal to the animal control shelter, ~~or~~ animal
28 protection shelter, or ~~the~~ licensed veterinarian unless the
29 defendant, ~~within~~ **not later than** 72 hours ~~of~~ **after** the hearing,

1 submits to the court clerk cash or other form of security in an
2 amount determined by the court to be sufficient to repay all
3 reasonable costs incurred, and anticipated to be incurred, by the
4 animal control shelter, ~~or~~ animal protection shelter, or ~~the~~
5 licensed veterinarian in caring for the animal from the date of
6 initial impoundment to the date of trial. If cash or other security
7 has been submitted, and the trial in the action is continued at a
8 later date, any order of continuance must require the defendant to
9 submit additional cash or security in an amount determined by the
10 court to be sufficient to repay all additional reasonable costs
11 anticipated to be incurred by the animal control shelter, ~~or~~ animal
12 protection shelter, or ~~the~~ licensed veterinarian in caring for the
13 animal until the new date of trial. If the defendant submits cash
14 or other security to the court under this subsection the court may
15 enter an order authorizing the use of that cash or other security
16 before final disposition of the criminal charges to pay the
17 reasonable costs incurred by the animal control shelter, ~~or~~ animal
18 protection shelter, or ~~the~~ licensed veterinarian in caring for the
19 animal from the date of impoundment to the date of final
20 disposition of the criminal charges. The testimony of a person at a
21 hearing held under this subsection is not admissible against him or
22 her in any criminal proceeding except in a criminal prosecution for
23 perjury. The testimony of a person at a hearing held under this
24 subsection does not waive the person's constitutional right against
25 self-incrimination. An animal seized under this section or section
26 50b is not subject to any other civil action pending the final
27 judgment of the forfeiture action under this subsection.

28 (4) A person who violates subsection (2) is guilty of a crime
29 as follows:

(a) Except as otherwise provided in subdivisions (c) to (f), if the violation involved 1 animal, the person is guilty of a misdemeanor punishable by 1 or more of the following and may be ordered to pay the costs of prosecution:

(i) Imprisonment for not more than 93 days.

(ii) A fine of not more than \$1,000.00.

(iii) Community service for not more than 200 hours.

(b) Except as otherwise provided in subdivisions (c) to (f), if the violation involved 2 or 3 animals or the death of any animal, the person is guilty of a misdemeanor punishable by 1 or more of the following and may be ordered to pay the costs of prosecution:

(i) Imprisonment for not more than 1 year.

(ii) A fine of not more than \$2,000.00.

(iii) Community service for not more than 300 hours.

(c) If the violation involved 4 or more animals but fewer than 10 animals or the person ~~had~~**has** 1 prior conviction under subsection (2), the person is guilty of a felony punishable by 1 or more of the following and may be ordered to pay the costs of prosecution:

(i) Imprisonment for not more than 2 years.

(ii) A fine of not more than \$2,000.00.

(iii) Community service for not more than 300 hours.

(d) If the violation involved 10 or more animals but fewer than 25 animals or the person ~~had~~**has** 2 prior convictions for violating subsection (2), the person is guilty of a felony punishable by 1 or more of the following and may be ordered to pay the costs of prosecution:

(i) Imprisonment for not more than 4 years.

1 (ii) A fine of not more than \$5,000.00.

2 (iii) Community service for not more than 500 hours.

3 (e) If the violation involved 25 or more animals or the person
4 has ~~had~~ 3 or more prior convictions for violating subsection (2),
5 the person is guilty of a felony punishable by 1 or more of the
6 following and may be ordered to pay the costs of prosecution:

7 (i) Imprisonment for not more than 7 years.

8 (ii) A fine of not more than \$10,000.00.

9 (iii) Community service for not more than 500 hours.

10 (f) If the person is a breeder, or if the person is an
11 operator of a pet shop and he or she has ~~had~~ 5 or more prior
12 convictions for violating 1969 PA 287, MCL 287.331 to 287.340, the
13 person is guilty of a felony punishable by imprisonment for not
14 more than 2 years or a fine of not more than \$5,000.00, or both.

15 (5) The court may order a person convicted of violating
16 subsection (2) to be evaluated to determine the need for
17 psychiatric or psychological counseling and, if determined
18 appropriate by the court, to receive psychiatric or psychological
19 counseling. The evaluation and counseling ~~shall~~**must** be at the
20 defendant's own expense.

21 (6) This section does not prohibit a person from being charged
22 with, convicted of, or punished for any other violation of law
23 arising out of the same transaction as the violation of this
24 section.

25 (7) The court may order a term of imprisonment imposed for a
26 violation of this section to be served consecutively to a term of
27 imprisonment imposed for any other crime including any other
28 violation of law arising out of the same transaction as the
29 violation of this section.

1 (8) As a part of the sentence for a violation of subsection
2 (2), the court may order the defendant to pay the costs of the
3 care, housing, and veterinary medical care for the animal, as
4 applicable. If the court does not order a defendant to pay all of
5 the applicable costs ~~listed~~ in this subsection, or orders only
6 partial payment of these costs, the court shall state on the record
7 the reason for that action.

8 (9) As a part of the sentence for a violation of subsection
9 (2), the court may, as a condition of probation, order the
10 defendant not to own or possess an animal for a period of time not
11 to exceed the period of probation. If a person is convicted of a
12 second or subsequent violation of subsection (2), the court may
13 order the defendant not to own or possess an animal for any period
14 of time, including permanent relinquishment of animal ownership.

15 (10) A person who owns or possesses an animal in violation of
16 an order issued under subsection (9) is subject to revocation of
17 probation if the order is issued as a condition of probation. A
18 person who owns or possesses an animal in violation of an order
19 issued under subsection (9) is also subject to the civil and
20 criminal contempt power of the court, and if found guilty of
21 criminal contempt, may be punished by imprisonment for not more
22 than 90 days or a fine of not more than \$500.00, or both.

23 (11) As part of the sentence imposed under subsection (4)(e),
24 the court may place the defendant on probation for any term of
25 years, but not less than 5 years.

26 (12) This section does not prohibit the lawful killing or
27 other use of an animal, including **all of** the following:

28 (a) Fishing.

29 (b) Hunting, trapping, or wildlife control regulated under the

1 natural resources and environmental protection act, 1994 PA 451,
2 MCL 324.101 to 324.90106.

3 (c) Horse racing.

4 (d) The operation of a zoological park or aquarium.

5 (e) Pest or rodent control regulated under part 83 of the
6 natural resources and environmental protection act, 1994 PA 451,
7 MCL 324.8301 to 324.8336.

8 (f) Farming or a generally accepted animal husbandry or
9 farming practice involving livestock.

10 (g) Scientific research under 1969 PA 224, MCL 287.381 to
11 287.395.

12 (h) Scientific research or the lawful killing of an animal
13 under sections 2226, 2671, 2676, and 7333 of the public health
14 code, 1978 PA 368, MCL 333.2226, 333.2671, 333.2676, and 333.7333.

15 (i) The lawful killing or use of an animal under the animal
16 industry act, 1988 PA 466, MCL 287.701 to 287.746.

17 (13) This section does not apply to a veterinarian or a
18 veterinary technician lawfully engaging in the practice of
19 veterinary medicine under part 188 of the public health code, 1978
20 PA 368, MCL 333.18801 to 333.18838.

21 Enacting section 1. This amendatory act takes effect 90 days
22 after the date it is enacted into law.