

2000 PUBLIC AND LOCAL ACTS

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[No. 246]

(SB 705)

AN ACT to regulate the ownership, possession, and care of certain wolf-dog crosses; to prohibit the ownership and possession of certain wolf-dog crosses; to prohibit the false advertising of certain canids as wolf-dog crosses; to impose fees; to prescribe the powers and duties of certain governmental entities and officials and of certain veterinarians; and to prescribe penalties and provide remedies.

*The People of the State of Michigan enact:*

287.1001 Short title. [M.S.A. 12.546(1)]

Sec. 1. This act shall be known and may be cited as the “wolf-dog cross act” and is enacted in memory of Angie Nickerson.

287.1002 Definitions. [M.S.A. 12.546(2)]

Sec. 2. As used in this act:

(a) “Animal control officer” means a county animal control officer as described in sections 29a and 29b of the dog law of 1919, 1919 PA 339, MCL 287.289a and 287.289b, or a city, village, or township animal control officer as described in section 29c of the dog law of 1919, 1919 PA 339, MCL 287.289c.

(b) “Animal control shelter” or “animal protection shelter” means an animal control shelter or animal protection shelter, respectively, registered with the department under section 6 of 1969 PA 287, MCL 287.336.

(c) “Department” means the department of agriculture.

(d) “Dog” means an animal of the species *Canis familiaris* or *Canis lupus familiaris*.

(e) “Expert on wolf-dog cross identification” means an individual who has, cumulatively, at least 10 years of training and field experience in wolf and wolf-dog cross behavioral and morphological characteristics and who is recognized as an expert at the state and national levels by others in the same field.

(f) “Facility” means an indoor or outdoor cage, pen, or similar enclosure where a wolf-dog cross is kept.

(g) “Law enforcement officer” means:

(i) A sheriff or sheriff’s deputy.

(ii) A village or township marshal.

(iii) An officer of the police department of a city, village, or township.

(iv) An officer of the Michigan state police.

(v) A peace officer who is trained and certified under the commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.616.

(vi) A conservation officer appointed by the department of natural resources.

(vii) An animal control officer.

(viii) A law enforcement officer of the federal government authorized to enforce any federal law regulating animals.

(h) “Livestock” means that term as defined in section 5 of the animal industry act of 1987, 1988 PA 466, MCL 287.705.

(i) “Local unit” means a city, village, township, or county.

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(j) "Permit" means a permit issued under section 4.

(k) "Permitting agency" means the agency of a local unit that issues permits under section 4.

(l) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

(m) "Pet shop" means a pet shop licensed by the department under section 3 of 1969 PA 287, MCL 287.333.

(n) "Veterinarian" means a person licensed to practice veterinary medicine under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

(o) "Wolf" means an animal of the species *Canis rufus* or *Canis lupus*, but does not include an animal of the species *Canis lupus familiaris*.

(p) "Wolf-dog cross" means a canid resulting from the breeding of any of the following:

(i) A wolf with a dog.

(ii) A wolf-dog cross with a wolf.

(iii) A wolf-dog cross with a dog.

(iv) A wolf-dog cross with a wolf-dog cross.

287.1003 Prohibited conduct; exception; rebuttable presumption in civil forfeiture proceeding; method of representation.  
[M.S.A. 12.546(3)]

Sec. 3. (1) A person shall not do any of the following:

(a) Possess a wolf-dog cross except in compliance with this act.

(b) Breed a wolf-dog cross.

(c) Subject to subsection (2), transfer ownership or possession of or receive a transfer of ownership or possession of a wolf-dog cross, with or without remuneration.

(d) Subject to subsection (2), transfer ownership or possession of a canid, with or without remuneration, if the person has represented to the transferee that the canid is a wolf-dog cross or offer or advertise to transfer ownership or possession of a canid, with or without remuneration, representing the canid to be a wolf-dog cross.

(e) Subject to subsection (2), receive a transfer or offer to receive a transfer of ownership or possession of a canid, with or without remuneration, if the owner of the canid has represented to the person that the canid is a wolf-dog cross.

(2) Subsection (1)(c), (d), and (e) do not apply to the temporary transfer of possession of a wolf-dog cross under section 4(1)(a) or any other transfer of possession or ownership of a wolf-dog cross expressly authorized or required by this act.

(3) In a civil forfeiture proceeding under this act, there is a rebuttable presumption that a canid is a wolf-dog cross if the current owner represents or has represented that the canid is a wolf-dog cross or if a previous owner transferred ownership or possession of the canid to the current owner, with or without remuneration, representing it to be a wolf-dog cross.

(4) For the purposes of this section, a representation may be by advertisement, registration paper, or any other method.

287.1004 Possession of wolf-dog crosses; conditions; permit requirements. [M.S.A. 12.546(4)]

Sec. 4. (1) A person shall not possess 1 or more wolf-dog crosses unless all of the following apply:

(a) The person owns the wolf-dog crosses or has temporarily been given possession of the wolf-dog crosses by the owner.

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(b) The owner was in possession of those individual wolf-dog crosses on the effective date of this act.

(c) The owner applies for a permit for those wolf-dog crosses within 4 months after the effective date of this act, and obtains a permit for those wolf-dog crosses. The permit applies only to those individual wolf-dog crosses. The permit is not transferable to another person except through testate or intestate succession. The permit is valid in any local unit in which the possession of the wolf-dog cross is not prohibited by ordinance.

(2) A person shall file an application for a permit with the person specified by the first of the following subdivisions that applies:

(a) If the wolf-dog crosses are kept in a city or village and the city or village employs an animal control officer, with the city or village agency to which the animal control officer is assigned.

(b) If the wolf-dog crosses are kept in a township and the township employs an animal control officer, with the township agency to which the animal control officer is assigned.

(c) If the county in which the wolf-dog crosses are kept employs an animal control officer, with the county agency to which the animal control officer is assigned.

(d) If subdivisions (a), (b), and (c) do not apply, with the county sheriff of the county where the wolf-dog crosses are kept.

(3) An applicant for a permit shall include with the application all of the following:

(a) An annual permit fee. The annual permit fee shall be established by the governing body of the local unit whose agency issues the permit under subsection (2) and shall be not less than the greater of the following 2 amounts:

(i) Twenty-five dollars, or at the option of the local unit if the applicant keeps more than 1 wolf-dog cross in that local unit, \$25.00 for each wolf-dog cross.

(ii) An amount necessary to cover the local unit's actual, reasonable costs of enforcing this act.

(b) A written statement that does all of the following:

(i) Specifies the number of wolf-dog crosses owned by the applicant.

(ii) Describes in detail each wolf-dog cross owned by the applicant, including, but not limited to, its identification number required under section 5.

(iii) Specifies the name, address, and telephone number of the person from whom the owner obtained the wolf-dog cross, if known.

(c) A certificate signed by a veterinarian that the wolf-dog cross has been sexually sterilized.

(4) A local unit shall not issue a permit unless it finds that all of the following apply:

(a) The requirements of subsections (1), (2), and (3) are met.

(b) The applicant is 21 years of age or older.

(c) The applicant has not been convicted of or found responsible for violating a local ordinance or state law prohibiting neglect or mistreatment of an animal and has not within the past 10 years been convicted of a felony.

(d) The applicant is not subject to a court order requiring the forfeiture of a wolf-dog cross or prohibiting the ownership or possession of a wolf-dog cross.

(e) The facility and the conditions in which each wolf-dog cross will be kept comply with this act.

(f) The applicant is knowledgeable about the wolf-dog cross's disposition and care requirements.

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(5) A permit shall set forth all of the following:

(a) The name and address of the permit holder and the address where each wolf-dog cross will be kept, if different from that of the permit holder.

(b) The number of wolf-dog crosses owned by the permit holder.

(c) The identification number of each wolf-dog cross required under section 5.

(d) The name, address, and signature of the veterinarian who is expected to provide veterinary care to the wolf-dog cross.

(e) Any other reasonable information as determined by the local unit, which may include, but need not be limited to, a designation of permits required by a local unit, the department, the department of community health, the department of natural resources, the United States department of agriculture, or the fish and wildlife service of the United States department of the interior.

(6) A local unit that issues a permit shall notify the department of the name and address of the permit holder and the number of wolf-dog crosses owned by the permit holder.

(7) The owner of a wolf-dog cross shall annually pay the local unit the annual permit fee established under subsection (3)(a).

287.1005 Placement of identification number via subcutaneous microchip. [M.S.A. 12.546(5)]

Sec. 5. The owner of a wolf-dog cross shall have an identification number placed in the wolf-dog cross via subcutaneous microchip, at the expense of the owner, by or under the supervision of a veterinarian.

287.1006 Keeping wolf-dog cross in facility; requirements; exceptions. [M.S.A. 12.546(6)]

Sec. 6. (1) A wolf-dog cross shall not be tethered outdoors, such as on a leash or chain, or allowed to run at-large. Except as otherwise provided in this section or section 7, a wolf-dog cross shall be constantly kept in a facility that meets all of the following requirements:

(a) Is sufficiently secure to prevent the wolf-dog cross's escape and protect the wolf-dog cross from injury.

(b) Is constructed of cement blocks, bricks, concrete, chain link fence, wires, or bars of a suitable thickness, gauge, or diameter to prevent the wolf-dog cross's escape and to protect the wolf-dog cross from injury.

(c) Has an entrance with a lock that is kept locked at all times when the wolf-dog cross is kept in the facility.

(d) Is well-braced and securely anchored at ground level or, if the facility is located in a residence or other building, at floor level and utilizes metal clamps, ties, or braces of a strength sufficient for cage construction for the wolf-dog cross.

(e) Is enclosed within a secondary fence that is located at least 3 feet outside of the walls of the facility and is adequate to prevent a human from coming into contact with the wolf-dog cross.

(f) Has a floor area of at least 900 square feet, plus an additional 450 square feet for each wolf-dog cross in excess of 1 kept in the facility. A permitting agency may grant a variance allowing a reduced floor area upon a showing that the requirements of this subdivision impose a practical difficulty on the owner and that the reduced floor area is sufficient to maintain the wolf-dog cross in a good state of health.

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(2) The owner or person temporarily in possession of a wolf-dog cross may keep the wolf-dog cross in the person's dwelling and not in a facility if the wolf-dog cross is under the supervision of a person 21 years of age or older.

(3) The owner or person temporarily in possession of a wolf-dog cross may take the wolf-dog cross outdoors if 1 of the following applies:

(a) The wolf-dog cross is being used to pull a sled and the person has the wolf-dog cross under control on a secure harness.

(b) The wolf-dog cross is being exercised by the person, and the person holds the wolf-dog cross under control on a secure leash that is not more than 6 feet long.

(c) The wolf-dog cross is being allowed to exercise in a fenced area on private property with the permission of the property owner and the owner of the wolf-dog cross or the person temporarily in possession of the wolf-dog cross is present.

(d) The person holds the wolf-dog cross under control on a secure leash that is not more than 6 feet long and the wolf-dog cross is being moved between any 2 of the following:

(i) A facility.

(ii) The dwelling of the person, pursuant to subsection (2).

(iii) A shift cage, pursuant to subsection (4).

(iv) A vehicle, pursuant to section 7.

(v) A veterinarian's office or veterinary hospital.

(4) A wolf-dog cross may be kept in a shift cage while the wolf-dog cross's facility is being cleaned. The shift cage shall be of a size appropriate for the wolf-dog cross and of a construction adequate to safely contain the wolf-dog cross.

(5) The owner or, except with respect to subdivisions (a) and (b), the person temporarily in possession of a wolf-dog cross shall do all of the following:

(a) Present a permit for the wolf-dog cross upon the request of a law enforcement officer.

(b) Post and maintain signs on property on which the wolf-dog cross is kept stating "A potentially dangerous wolf-dog cross is kept on this property.". Each sign shall utilize block letters at least 1/2 inch high. A sign shall be posted as follows:

(i) At each fence gate providing access to a residence on the property, providing access to a building in which the wolf-dog cross's facility is located, or providing access to the facility.

(ii) On the outside of each door providing access to a residence on the property or providing access to any building in which the wolf-dog cross's facility is located.

(iii) On each side of the wolf-dog cross's facility, unless the facility is located in a residence or other building.

(c) Not place the wolf-dog cross under the supervision of a person less than 21 years of age.

(d) Not mistreat or neglect the wolf-dog cross or permit it to be mistreated or neglected.

(e) Ensure that the conditions in which the wolf-dog cross is kept, including, but not limited to, the following, are safe and conducive to the wolf-dog cross's physical health and comfort and promote normal behavior:

(i) Temperature.

(ii) Ventilation.

(iii) Humidity.

(f) Provide the wolf-dog cross with sufficient food, water, shelter, sanitary conditions, and exercise to maintain the wolf-dog cross in a state of good health.

(g) Ensure that the wolf-dog cross receives from a veterinarian, at the owner's expense, an annual checkup, including vaccinations, and other necessary medical care. The owner of a wolf-dog cross shall maintain copies of the wolf-dog cross's veterinary records and present the records upon request of a law enforcement officer.

(h) When the wolf-dog cross dies, arrange to have the death certified in writing by a veterinarian, law enforcement officer, or the permitting agency. The veterinarian, law enforcement officer, or permitting agency shall submit the certification to the department within 20 business days after the death.

#### 287.1007 Transportation. [M.S.A. 12.546(7)]

Sec. 7. A person transporting a wolf-dog cross in a vehicle shall comply with the standards in International Air Transport Ass'n., Live Animal Regulations (26th ed., 1999) applicable to a dog. In addition, a person transporting a wolf-dog cross in a vehicle shall comply with all of the following requirements:

(a) The wolf-dog cross shall be individually and securely caged, even while inside a passenger vehicle or in the bed of a truck. However, a female wolf-dog cross and each of her unweaned pups, if any, shall be transported in the same cage.

(b) The vehicle shall provide fresh air without injurious drafts and provide adequate protection from the elements to the wolf-dog cross.

(c) The wolf-dog cross's cargo area shall be as free as possible of engine exhaust fumes.

(d) Fecal and food wastes shall be removed from the wolf-dog cross's transport cage on at least a daily basis.

(e) The temperature within the wolf-dog cross's cage shall not be harmful to the wolf-dog cross's health.

(f) The wolf-dog cross's cage shall be large enough to ensure that the wolf-dog cross has sufficient space to stand erect, turn around, and lie naturally.

(g) The wolf-dog cross shall not be placed in an enclosure over or next to another animal unless each enclosure has a fitted floor or lateral partition that prevents excreta from entering lower or adjacent enclosures.

(h) The wolf-dog cross shall be given potable water at least twice daily and fed at least once daily, unless otherwise directed by a veterinarian.

#### 287.1008 Exportation. [M.S.A. 12.546(8)]

Sec. 8. A person shall not export or attempt to export a wolf-dog cross to another state or country unless all of the following requirements are met:

(a) The import and possession of the wolf-dog cross are lawful in the other state or country.

(b) The destination and proposed new owner of the wolf-dog cross have been approved by the regulatory agency in the other state or country having authority to do so, if any.

#### 287.1009 Rabies vaccination. [M.S.A. 12.546(9)]

Sec. 9. If a rabies vaccination becomes approved by the federal government for use on a wolf-dog cross, the owner of a wolf-dog cross shall have the wolf-dog cross vaccinated for rabies by a veterinarian and shall keep the vaccination current.

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### 287.1010 Exposure to rabies. [M.S.A. 12.546(10)]

Sec. 10. (1) If a wolf-dog cross potentially exposes a human to rabies by any penetration of the skin by teeth, any scratch that causes penetration of the skin, any abrasion that causes penetration of the skin, or contamination of open wounds or mucous membranes with saliva or other infectious material, the owner or person temporarily in possession of the wolf-dog cross shall report the potential exposure to the local health department within 24 hours.

(2) If a wolf-dog cross potentially exposes livestock or a mammalian pet to rabies by any penetration of the skin by teeth, any scratch that causes penetration of the skin, any abrasion that causes penetration of the skin, or contamination of open wounds or mucous membranes with saliva or other infectious material, the owner or person temporarily in possession of the wolf-dog cross shall report the potential exposure to the permitting agency within 24 hours.

(3) Except as provided in subsection (4), if a wolf-dog cross potentially exposes a human, livestock, or mammalian pet to rabies by any means identified in this section, the wolf-dog cross shall be humanely euthanized by a veterinarian. The wolf-dog cross shall be immediately examined for rabies in the manner provided by rules promulgated under section 5111 of the public health code, 1978 PA 368, MCL 333.5111.

(4) If a wolf-dog cross potentially exposes a human, livestock, or a mammalian pet to rabies by any means identified in this section and, at the time of exposure, the owner or person temporarily in possession of the wolf-dog cross provides a valid certificate from a veterinarian indicating that the wolf-dog cross, at least 30 days before the exposure, was vaccinated with a rabies vaccine approved by the United States department of agriculture, the owner or person temporarily in possession of the wolf-dog cross may elect to have the wolf-dog cross quarantined for a period of 10 days from the date of exposure. If the wolf-dog cross dies, or develops any symptoms of rabies during the quarantine period, as determined by a veterinarian, the wolf-dog cross shall be humanely euthanized and examined for rabies in the manner provided by rules promulgated under section 5111 of the public health code, 1978 PA 368, MCL 333.5111.

### 287.1011 Killing of wolf-dog cross by law enforcement officer or other person; conditions; liability. [M.S.A. 12.546(11)]

Sec. 11. (1) A law enforcement officer or other person may kill a wolf-dog cross if the person sees the wolf-dog cross attacking, injuring, or killing either of the following:

- (a) A human.
- (b) Livestock or poultry.

(2) A law enforcement officer may kill a wolf-dog cross if the law enforcement officer sees the wolf-dog cross attacking, injuring, or killing wildlife.

(3) A person is not liable in damages or otherwise for killing or attempting to kill a wolf-dog cross under subsection (1) or (2).

(4) This act does not prohibit the owner of a wolf-dog cross, for which a permit has been issued if required under this act, from recovering by legal action against a law enforcement officer or other person the value of a wolf-dog cross illegally killed by that law enforcement officer or other person.

(5) A wolf-dog cross's entry onto a field or enclosure that is owned by or leased by a person producing livestock or poultry constitutes a trespass, and the owner or person temporarily in possession of the wolf-dog cross is liable in damages.

287.1012 Liability of owner or possessor of wolf-dog cross.  
[M.S.A. 12.546(12)]

Sec. 12. (1) The owner or person temporarily in possession of a wolf-dog cross is liable in a civil action for the death or injury of a human and for property damage, including, but not limited to, the death or injury of another animal, caused by the wolf-dog cross. This act does not limit the common law liability of the owner or person temporarily in possession of a wolf-dog cross for the death or injury of a human or for property damage caused by the wolf-dog cross.

(2) If a wolf-dog cross bites an individual without provocation while the individual is on public property or lawfully on private property, including the property of the owner or person temporarily in possession of the wolf-dog cross, the owner or person temporarily in possession of the wolf-dog cross is liable for any damages suffered by the individual bitten, regardless of the former viciousness of the wolf-dog cross or the owner's or person temporarily in possession's knowledge of such viciousness. For the purposes of this subsection, an individual is lawfully on the private property of the owner or person temporarily in possession of the wolf-dog cross if the individual is on that property in the performance of any duty imposed upon him or her by the laws of this state or by the laws or postal regulations of the United States, or if the individual is on that property as an invitee or licensee of the person lawfully in possession of the property, unless the individual has gained lawful entry upon the property for the purpose of an unlawful or criminal act.

(3) If a wolf-dog cross escapes or is released, intentionally or unintentionally, the owner or person temporarily in possession of the wolf-dog cross shall immediately contact a law enforcement officer of the local unit where the escape or release occurred to report the loss, escape, or release. The owner or person temporarily in possession of the wolf-dog cross is liable for all expenses associated with efforts to recapture the wolf-dog cross that is released or escapes.

(4) The owner or person temporarily in possession of the wolf-dog cross may bring against a person who is responsible in whole or part for the escape or release of the wolf-dog cross a civil action for damages, including, but not limited to, damages and expenses under subsection (1), (2), or (3).

287.1013 Inspection of facility; violation; consultation with expert on wolf-dog cross identification. [M.S.A. 12.546(13)]

Sec. 13. (1) A facility is subject to inspection at reasonable hours by a law enforcement officer to ensure compliance with this act.

(2) Subject to subsection (3), if there is probable cause to believe that this act is being violated, a law enforcement officer shall do 1 of the following:

(a) Issue to the violator a notice of the violation under section 14.

(b) Arrest the violator or seek a warrant for his or her arrest, as appropriate under chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.1 to 764.29, for a misdemeanor under section 15.

(c) File a sworn complaint under section 16(3).

(3) If a law enforcement officer believes that a canid is a wolf-dog cross but the owner of the canid is unable or unwilling to verify that the canid is a wolf-dog cross, the law enforcement officer, before enforcing this act, shall consult with an expert on wolf-dog cross identification. The expert on wolf-dog cross identification shall consider all relevant aspects of identification, such as behavioral characteristics, and morphological traits, including gait, and any necropsy results. Consultation with an expert on wolf-dog cross identification is not a prerequisite to enforcing this act for a violation of section 3(1)(d) or (e).

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287.1014 Notice of violation; correction; transfer of ownership and possession; inspection; noncompliance; forfeiture.  
[M.S.A. 12.546(14)]

Sec. 14. (1) If there is probable cause to believe this act is being violated, a law enforcement officer may give notice of the violation in writing to the owner of the wolf-dog cross. The notice shall identify the violation and include a copy of this act.

(2) Not more than 30 days after the notice is delivered, the owner of the wolf-dog cross shall transfer ownership and possession of the wolf-dog cross or, subject to subsection (3), correct the violation and shall notify the law enforcement officer of the action taken.

(3) If the violation was failure to obtain a permit and the violation was committed knowingly, not more than 14 days after the notice is delivered, the owner of the wolf-dog cross shall transfer ownership and possession of the wolf-dog cross and notify the law enforcement officer of the action taken.

(4) A wolf-dog cross transferred under subsection (2) or (3) shall be transferred to a person described in section 22(1)(a), (b), (c), or (d). Notice that the wolf-dog cross was transferred under this subsection shall include evidence of the transfer satisfactory to the law enforcement officer.

(5) Unless the owner of the wolf-dog cross notifies the law enforcement officer that the wolf-dog cross was transferred under subsection (2) or (3), the law enforcement officer shall conduct an inspection at a reasonable time not less than 30 days after notice of the violation was delivered. When the second inspection is conducted, the owner of the wolf-dog cross shall pay an inspection fee of \$25.00 or actual, reasonable costs of the inspection, whichever is greater, to the law enforcement officer.

(6) If the law enforcement officer finds that the owner of the wolf-dog cross has not complied with subsection (2) or (3), the law enforcement officer shall seek forfeiture of the wolf-dog cross under section 16.

287.1015 Violation as misdemeanor; penalty; additional punishment; exception. [M.S.A. 12.546(15)]

Sec. 15. (1) Subject to subsection (2), a person who violates this act is guilty of a misdemeanor. The person shall be punished by a fine of not less than \$250.00 or more than \$1,000.00, plus costs of prosecution. However, a person who fails to obtain a permit as required by this act shall be punished by a fine, for each wolf-dog cross for which the permit was required, of not less than \$500.00 or more than \$2,000.00, plus costs of prosecution. In addition, a person who violates this act may be punished by 1 or more of the following:

- (a) Imprisonment for not more than 93 days.
- (b) Community service work for not more than 500 hours.
- (c) The loss of privileges to own or possess any animal.

(2) Subsection (1) does not apply to a law enforcement officer, veterinarian, or permitting agency with respect to the performance of the duties of a law enforcement officer, veterinarian, or permitting agency under this act.

287.1016 Violation; civil forfeiture. [M.S.A. 12.546(16)]

Sec. 16. (1) If a person who owns or possesses a wolf-dog cross violates this act, that wolf-dog cross and any other wolf-dog crosses owned by that person are subject to civil forfeiture.

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(2) The prosecuting attorney in an action under section 15 may file a petition requesting that the court issue an order for civil forfeiture of all of the wolf-dog crosses owned by the person violating this act.

(3) Any person may file with a court having jurisdiction a complaint alleging that a person is violating this act and requesting the court to order the civil forfeiture of all of the wolf-dog crosses owned by that person.

287.1017 Seizure order; circumstances; methods; return of wolf-dog cross to victim. [M.S.A. 12.546(17)]

Sec. 17. (1) A law enforcement officer shall seize a wolf-dog cross pursuant to an order of seizure issued by the court having jurisdiction over the wolf-dog cross upon a showing of probable cause that the wolf-dog cross is subject to forfeiture under section 16(1).

(2) A wolf-dog cross subject to forfeiture under section 16(1) may be seized under any of the following circumstances:

(a) The seizure is incident to a lawful arrest for a violation of this act.

(b) The seizure is pursuant to a valid search warrant.

(c) The seizure is pursuant to an inspection under a valid administrative inspection warrant.

(d) There is probable cause to believe that the conditions under which the wolf-dog cross or any other wolf-dog cross owned by the same person is kept are directly or indirectly dangerous to human or animal health or safety.

(e) Exigent circumstances exist that preclude obtaining a court order, and there is probable cause to believe that this act has been violated.

(f) The wolf-dog cross or any other wolf-dog cross owned by the same person is the subject of a prior judgment in favor of this state in a forfeiture proceeding.

(3) If a seizure is to be accomplished by capture, tranquilization or other humane methods shall be used for the capture.

(4) A wolf-dog cross seized under this act is not subject to any other action to recover personal property, but is considered to be in the custody of the seizing agency subject only to subsection (5) and sections 18 and 19, or to an order and judgment of the court having jurisdiction over the forfeiture proceedings. When a wolf-dog cross is seized under this act, the law enforcement officer may remove the wolf-dog cross to a place designated by the court.

(5) A wolf-dog cross that belongs to the victim of a crime shall promptly be returned to the victim, except in the following circumstances:

(a) When the crime victim last possessed the wolf-dog cross, he or she was in violation of section 4.

(b) If the ownership of the wolf-dog cross is disputed, until the dispute is resolved.

(c) If the property is required to be retained as evidence pursuant to section 4(4) of the crime victim's rights act, 1985 PA 87, MCL 780.754.

287.1018 Seizure of wolf-dog cross; return to owner; notice of seizure. [M.S.A. 12.546(18)]

Sec. 18. (1) A law enforcement officer may return a seized wolf-dog cross to the owner of the wolf-dog cross if the law enforcement officer is satisfied that the conditions resulting in the seizure have been corrected. If the wolf-dog cross was seized pursuant to process issued by a court, the law enforcement officer shall obtain approval of the court before returning the wolf-dog cross.

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(2) Unless the wolf-dog cross has been returned, the law enforcement officer shall, within 10 days after the wolf-dog cross is seized, give written notice of the seizure and intent to forfeit the wolf-dog cross to each of the following persons:

- (a) The owner of the wolf-dog cross.
- (b) Each person with a known ownership interest in the wolf-dog cross.
- (c) Any person who was injured or whose property was damaged by the wolf-dog cross.

(3) The notice required under subsection (2) shall be delivered in person or sent by certified mail. If the name and address of the person are not reasonably ascertainable or personal delivery of the notice cannot reasonably be accomplished, the notice shall be published in a newspaper of general circulation in the county in which the wolf-dog cross was seized for 10 successive publishing days. Proof of written notice or publication shall be filed with the court having jurisdiction over the seizure or forfeiture.

(4) The law enforcement officer shall immediately after seizure of the wolf-dog cross notify the prosecuting attorney for the county in which the wolf-dog cross was seized or, if the attorney general is actively handling a case involving or relating to the wolf-dog cross, the attorney general of the seizure of the wolf-dog cross and any intent to forfeit the wolf-dog cross under this act.

287.1019 Motion to return wolf-dog cross; filing; grounds; hearing; failure to sustain burden of proof; order; admissibility of testimony in criminal prosecution. [M.S.A. 12.546(19)]

Sec. 19. (1) The owner of a wolf-dog cross may file a motion with the court having jurisdiction to return the wolf-dog cross on the grounds that the wolf-dog cross was illegally seized or that the wolf-dog cross is not subject to forfeiture under this act. The court shall hear the motion within 30 days after the motion is filed.

(2) At the hearing on the motion filed under subsection (1), the attorney general, or the attorney for the local unit in which the wolf-dog cross was seized, shall establish probable cause to believe that the wolf-dog cross is subject to forfeiture under this act and, if the owner claims the wolf-dog cross was illegally seized, that the wolf-dog cross was properly seized.

(3) If the attorney general or the attorney for the local unit in which the wolf-dog cross was seized fails to sustain his or her burden of proof under subsection (2), the court shall order the return of the wolf-dog cross.

(4) The testimony of a person at a hearing held under this section is not admissible against him or her in any criminal proceeding except in a criminal prosecution for perjury. The testimony of a person at a hearing held under this section does not waive the person's constitutional right against self-incrimination.

287.1020 Return of seized wolf-dog cross; conditions; notice; order of forfeiture; liability for costs. [M.S.A. 12.546(20)]

Sec. 20. (1) A law enforcement officer shall return a seized wolf-dog cross to the owner of the wolf-dog cross within 7 days after the occurrence of any of the following:

(a) The failure to issue a warrant against the owner or person temporarily in possession of the wolf-dog cross for committing a misdemeanor under section 15 or to file a complaint under section 16(3) within 10 days after the wolf-dog cross is seized.

(b) The dismissal of charges against the owner or person temporarily in possession of the wolf-dog cross under section 15 or of a complaint under section 16(3), as applicable.

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(c) The court's determination that an order for the wolf-dog cross to be forfeited shall not be entered.

(d) The acquittal of the owner or person temporarily in possession of the wolf-dog cross of any charges under section 15.

(e) Entry of a court order under this act for the return of the wolf-dog cross.

(2) If a wolf-dog cross is returned under subsection (1), the law enforcement officer shall give written notice to the persons who received notice under section 18 that the wolf-dog cross has been returned. The notice under this subsection shall be delivered in person or sent by certified mail. If the name and address of the person are not reasonably ascertainable or personal delivery of the notice cannot reasonably be accomplished, the notice shall be published in a newspaper of general circulation in the county in which the wolf-dog cross was seized for 10 successive publishing days.

(3) If the court orders a wolf-dog cross to be forfeited, the order of forfeiture shall direct that each wolf-dog cross be transferred to a wildlife sanctuary approved by the association of sanctuaries, an animal protection shelter, or a zoo accredited by the American zoo and aquarium association, where the wolf-dog cross will be safely and humanely cared for as provided by this act. However, subject to section 10, if the wolf-dog cross killed or injured a human or an animal, the order of forfeiture may direct that the wolf-dog cross be humanely euthanized by a veterinarian. An order of forfeiture shall also revoke any permit that may have been issued for the wolf-dog cross under section 4 and order payment of costs under subsection (4). The forfeiture is a civil forfeiture.

(4) If a wolf-dog cross is seized, the owner of the wolf-dog cross is liable for the costs of placement and care for the wolf-dog cross from the time of seizure until the time of return or forfeiture and, if a wolf-dog cross is ordered to be forfeited and euthanized, for the costs of humanely euthanizing and disposing of the wolf-dog cross. This subsection does not apply if the wolf-dog cross is returned under subsection (1) or section 19.

287.1021 Local ordinances; effect; additional requirements.  
[M.S.A. 12.546(21)]

Sec. 21. (1) A local unit may adopt an ordinance governing wolf-dog crosses that is more restrictive than this act.

(2) The requirements of this act are in addition to any other requirements governing a wolf-dog cross under state and federal law.

287.1022 Applicability of §§ 287.1004, 287.1005, 287.1006, 287.1008, and 287.1014. [M.S.A. 12.546(22)]

Sec. 22. (1) Sections 4, 5, and 6 do not apply to any of the following:

(a) An animal control shelter or animal protection shelter.

(b) A person licensed or approved by the department of natural resources of this state or by the United States fish and wildlife service of the United States department of the interior.

(c) A zoological park approved or accredited by the American zoo and aquarium association.

(d) A person approved by the association of sanctuaries.

(e) A law enforcement officer acting under the authority of this act.

(f) A veterinarian temporarily in possession of a wolf-dog cross to provide veterinary care for or humanely euthanize the wolf-dog cross.

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(2) Sections 4, 5, 6(1)(d) to (5)(b), 8, and 14(3) do not apply to a person who is not a resident of this state and who is in this state only for the purpose of travel between locations outside of this state.

287.1023 Providing information to pet shops and animal shelters.  
[M.S.A. 12.546(23)]

Sec. 23. The department shall provide each pet shop, animal control shelter, and animal protection shelter with information on the requirements of this act.

This act is ordered to take immediate effect.

Approved June 29, 2000.

Filed with Secretary of State June 29, 2000.

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