

Legislative Analysis



ELIMINATE REQUIREMENT THAT SHERIFFS LOCATE AND KILL UNLICENSED DOGS

Mary Ann Cleary, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4168 (Substitute H-1)

Sponsor: Rep. Margaret E. O'Brien

Committee: Local Government

(Enacted as Public Act 32 of 2014)

First Analysis (5-13-13)

BRIEF SUMMARY: The bill would eliminate the statutory requirement that county sheriffs "locate and kill" unlicensed dogs.

FISCAL IMPACT: House Bill 4168 as introduced has no fiscal implications for the Department of Agriculture and Rural Development. The bill may have a fiscal impact on local governments related to the removal of responsibility of the local sheriff to locate and kill all unlicensed dogs.

THE APPARENT PROBLEM:

The 94-year old Michigan Dog Law contains an antiquated and currently unenforced provision that requires Michigan county sheriffs to identify all unlicensed dogs, and then locate and kill them.

Legislation has been introduced to update the Michigan Dog Law, and eliminate this requirement.

THE CONTENT OF THE BILL:

House Bill 4168 (H-1) would amend the Dog Law of 1919 to eliminate the provision that requires county sheriffs to "locate and kill" unlicensed dogs. A more detailed description of the bill follows.

Now under the law, a county treasurer may, based on records of dogs actually licensed, identify and locate all unlicensed dogs. The law classifies a dog that is required to be licensed but is unlicensed as a public nuisance. The county treasurer is to immediately list all unlicensed dogs identified and deliver copies of the list both to the county prosecuting attorney and to the director of the state Department of Agriculture (now called the Department of Agriculture and Rural Development). After receiving the name of an unlicensed dog's owner, the prosecuting attorney must commence proceedings against the owner. In addition, the law requires the sheriff to locate and kill (or caused to be killed) all such unlicensed dogs. Further, the law specifies that failure, refusal, or neglect on the part of a sheriff to carry out these provisions constitutes nonfeasance in office.

House Bill 4168 would retain most of these provisions, but eliminate (1) the requirement that the list of unlicensed dogs be delivered to the Department of Agriculture and Rural Development; (2) the requirement that a sheriff locate and kill all unlicensed dogs; and, (3) the provision that to do otherwise constitutes nonfeasance in office.

ARGUMENTS:

For:

A provision in the Michigan Dog Law of 1919 that requires county sheriffs to locate and kill all unlicensed dogs is not enforced. The provision is unnecessary, antiquated, and inhumane. This bill would eliminate it.

POSITIONS:

The Michigan Humane Society supports the bill. (5-2-13)

The Michigan Department of Agriculture and Rural Development supports the bill. (5-2-13)

Protect Michigan Dogs supports the bill. (5-9-13)

Legislative Analyst: J. Hunault
Fiscal Analyst: Susan Frey

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.