

Act No. 126  
Public Acts of 1994  
Approved by the Governor  
May 15, 1994  
Filed with the Secretary of State  
May 16, 1994

**STATE OF MICHIGAN  
87TH LEGISLATURE  
REGULAR SESSION OF 1994**

**Introduced by Senators Smith Arthurhultz Bouchard Kelly and O'Brien**

# **ENROLLED SENATE BILL No. 605**

AN ACT to amend Act No. 328 of the Public Acts of 1931 entitled as amended An act to revise consolidate codify and add to the statutes relating to crimes to define crimes and prescribe the penalties therefor to provide for restitution under certain circumstances to provide for the competency of evidence at the trial of persons accused of crime to provide immunity from prosecution for certain witnesses appearing at such trials and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act as amended being sections 750 1 to 750 568 of the Michigan Compiled Laws by adding section 50b to repeal certain acts and parts of acts and to repeal certain parts of the act

*The People of the State of Michigan enact*

Section 1 Act No. 328 of the Public Acts of 1931 as amended being sections 750 1 to 750 568 of the Michigan Compiled Laws is amended by adding section 50b to read as follows

Sec 50b (1) As used in this section animal means any vertebrate other than a human being

(2) A person who willfully maliciously and without just cause or excuse kills tortures mutilates maims or disfigures an animal or who willfully and maliciously and without just cause or excuse administers poison to an animal or exposes an animal to any poisonous substance other than a substance that is used for therapeutic veterinary medical purposes with the intent that the substance be taken or swallowed by the animal is guilty of a felony punishable by imprisonment for not more than 4 years or by a fine of not more than \$5 000 00 or community service for not more than 500 hours or any combination of these penalties

(3) As a part of the sentence for a violation of subsection (2) the court may order the defendant to pay the costs of the prosecution and the costs of the care housing and veterinary medical care for the impacted animal victim as applicable If the court does not order a defendant to pay all of the applicable costs listed in this subsection or orders only partial payment of these costs the court shall state on the record the reasons for that action

(4) If a term of probation is ordered for a violation of subsection (2) the court may order as a condition of probation that the defendant be evaluated to determine the need for psychiatric or psychological counseling and if determined appropriate by the court to receive psychiatric or psychological counseling at his or her own expense

(5) As a part of the sentence for a violation of subsection (2) the court may order the defendant not to own or possess an animal for any period of time determined by the court which may include permanent relinquishment

(6) A person who owns or possesses an animal in violation of an order issued under subsection (5) is subject to revocation of probation if the order is issued as a condition of probation A person who owns or possesses an animal in violation of an order issued under subsection (5) is also subject to the civil and criminal contempt power of the court and if found guilty of criminal contempt may be punished by imprisonment for not more than 90 days or by a fine of not more than \$500 00 or both

(7) This section does not prohibit the lawful killing of livestock or a customary animal husbandry or farming practice involving livestock As used in this subsection livestock has the meaning attributed to the term in the animal industry act of 1987 Act No 466 of the Public Acts of 1988 being sections 287 701 to 287 747 of the Michigan Compiled Laws

(8) This section does not prohibit the lawful killing of an animal pursuant to any of the following

(a) Fishing

(b) Hunting trapping or wildlife control regulated pursuant to the wildlife conservation act Act No 256 of the Public Acts of 1988 being sections 300 251 to 300 270 of the Michigan Compiled Laws and orders issued under that act

(c) Pest or rodent control regulated pursuant to the pesticide control act Act No 171 of the Public Acts of 1976 being sections 286 551 to 286 581 of the Michigan Compiled Laws

(d) Activities authorized pursuant to rules promulgated under section 109 of the executive organization act of 1965 Act No 380 of the Public Acts of 1965 being section 16 109 of the Michigan Compiled Laws

(9) This section does not prohibit the lawful killing or use of an animal for scientific research pursuant to any of the following or a rule promulgated pursuant to any of the following

(a) Act No 224 of the Public Acts of 1969 being sections 287 381 to 287 395 of the Michigan Compiled Laws

(b) Sections 2226 2671 2676 7109 and 7333 of the public health code Act No 368 of the Public Acts of 1978 being sections 333 2226 333 2671 333 2676 333 7109 and 333 7333 of the Michigan Compiled Laws

Section 2 The following acts and parts of acts are repealed

(a) Section 377 of Act No 328 of the Public Acts of 1931 being section 750 377 of the Michigan Compiled Laws

(b) Act No 70 of the Public Acts of 1877 being sections 752 21 to 752 30 of the Michigan Compiled Laws

Secretary of the Senate

Co Clerk of the House of Representatives

Approved

Governor