



**Senate Fiscal Agency**  
P. O. Box 30036  
Lansing, Michigan 48909-7536

BILL



ANALYSIS

**Telephone: (517) 373-5383**  
**Fax: (517) 373-1986**

Senate Bill 837 (as reported by the Committee of the Whole)

Sponsor: Senator Leon Stille

Committee: Agriculture and Forestry

### **CONTENT**

The bill would amend the Michigan Penal Code to do the following:

- Allow a prosecuting attorney to file a petition for forfeiture of an animal to a dog pound, animal shelter, or licensed veterinarian before the final disposition of a criminal action for animal cruelty.
- Make it a felony, punishable by imprisonment for up to four years, a maximum fine of \$5,000, community service for up to 200 hours, or any combination of these penalties, to commit a second or subsequent animal cruelty violation.
- Authorize a court to order permanent relinquishment of animal ownership for a second or subsequent animal cruelty violation.
- Revise provisions that permit specific lawful uses of animals.

If an animal were impounded and were being held by a dog pound or animal shelter or a licensed veterinarian pending outcome of criminal action charging a violation of the Code's animal cruelty provisions or provisions concerning the willful and malicious killing or injuring of animals prior to final disposition of the criminal charge, the prosecuting attorney could file a petition in the criminal action requesting the court to issue an order forfeiting the animal to the pound, shelter, or veterinarian prior to final disposition of the criminal charge. A hearing would have to be held within 14 days of the filing or as soon as practicable. If the court found probable cause to believe that a violation had occurred, it would have to order immediate forfeiture of the animal, unless the defendant, within 72 hours, posted a security deposit or bond in an amount sufficient to repay all reasonable costs incurred, and anticipated to be incurred, by the pound, shelter, or veterinarian in caring for the animal from the date of impoundment until the trial.

MCL 750.50

Legislative Analyst: S. Margules

### **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State government.

The enhanced penalties for repeat offenders as proposed by the bill, could result in additional prison commitments to the Department of Corrections. While the bill would allow up to four years in prison, the judge also could sentence these individuals to jail or other local sanctions that would not result in increased State costs. There are currently no available data that might indicate the potential number of repeat offenders.

The bill would have no fiscal impact on the courts.

Date Completed: 3-13-96

Fiscal Analyst: M. Hansen  
M. Bain

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.