



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 28 (Substitute S-1 as reported)
Senate Bill 29 (as reported by the Committee of the Whole)
Sponsor: Senator Steven Bieda (S.B. 28)
 Senator Rick Jones (S.B. 29)
Committee: Judiciary

CONTENT

Senate Bill 28 (S-1) would amend the Michigan Penal Code to extend current animal neglect or cruelty prohibitions to a breeder or pet shop operator; revise and enhance the penalties for animal neglect or cruelty; and establish three degrees of killing or torturing an animal.

Under Section 50 of the Code, a person who owns, possesses, is in charge of, or has custody of an animal may not take certain actions that constitute animal neglect or cruelty. The bill would extend those prohibitions to a breeder and a pet shop operator. "Breeder" would mean a person who breeds animals other than livestock for the purpose of making a profit.

Currently, a violation of Section 50 is punishable as shown in the table below, based on the number of animals involved and the offender's prior convictions.

Animals Involved or Prior Convictions	Maximum Imprisonment	Maximum Fine	Maximum Community Service
1 animal ¹⁾	93 days	\$1,000	200 hours
2 or 3 animals, or the death of an animal ¹⁾	1 year	\$2,000	300 hours
4 to 9 animals, or 1 prior conviction ²⁾	2 years	\$2,000	300 hours
10 or more animals, or 2 or more priors ²⁾	4 years	\$5,000	500 hours

¹⁾ misdemeanor. ²⁾ felony.

Under the bill, the first three levels of penalties would be the same. The current penalty for a violation involving 10 or more animals (or two prior convictions) would apply to a violation involving 10 to 24 animals. A violation involving 25 or more animals, or three or more prior convictions, would be a felony punishable by up to seven years' imprisonment; a maximum fine of \$10,000; and/or up to 500 hours of community service; as part of this sentence, the court could place the defendant on probation for any term of years, but not less than five years.

If a breeder or pet shop owner violated Section 50 and had five or more prior convictions for violating Public Act 287 of 1969 (which regulates pet shops and animal shelters), the violation would be a felony punishable by imprisonment for up to two years, a maximum fine of \$5,000, or both.

Under Section 50b of the Penal Code, a person may not knowingly kill, torture, mutilate, maim, or disfigure an animal; commit a reckless act knowing or having reason to know that it will cause an animal to be killed, tortured, mutilated, maimed, or disfigured; or knowingly

poison an animal. Under the bill, a violation would be third-degree killing or torturing of animals, except as provided below.

A person would be guilty of a second-degree offense if the animal were a companion animal or the person knowingly committed the violation or threatened to do so with the intent to cause mental suffering or distress to a person or to exert control over a person. A person would be guilty of a first-degree offense if he or she intentionally and knowingly killed, tortured, mutilated, maimed, disfigured, or poisoned a companion animal *and* did so or threatened to do so with the intent to cause mental suffering or distress to a person or to exert control over a person.

Currently, a violation of Section 50b is a felony punishable by up to four years' imprisonment and/or a maximum fine of \$5,000 for a single animal and \$2,500 for each additional animal involved in the violation but not more than a total of \$20,000. Under the bill, first-, second-, and third-degree killing or torturing of animals would be felonies, punishable by a maximum fine of \$5,000, up to 500 hours of community service, and a maximum prison term of 10 years for a first-degree offense, seven years for second degree, and four years for third degree.

In addition, the court could order a term of imprisonment imposed for a violation to be served consecutively to a term of imprisonment imposed for any other crime, including any other violation of law arising out of the same transaction as a violation of Section 50b.

Senate Bill 29 would amend the Code of Criminal Procedure to do the following:

- Revise the sentencing guidelines for animal neglect or cruelty and establish sentencing guidelines designations for the animal neglect or cruelty penalties proposed by Senate Bill 28 (S-1).
- Establish sentencing guidelines designations for first-, second-, and third-degree violations involving animal torture.
- Revise sentencing guidelines scoring requirements for several offense variables (OVs), including requiring five points to be assigned for OV 4 (psychological injury) for first-, second-, or third-degree killing or torturing of animals if serious psychological injury requiring professional treatment occurred to the owner of a companion animal.

Both bills would take effect on April 1, 2016. Senate Bill 29 is tie-barred to Senate Bill 28.

MCL 750.50 & 750.50b (S.B. 28)
777.16b et al. (S.B. 29)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills could result in a fiscal cost to the State's corrections budget. In 2013, there were 39 violations under this offense category with zero offenders sent to prison and six sent to jail. With the revised and new violations there could be an increase in the number of years a given offender would serve in a correctional facility if sentenced there. For any new felony sentence convictions, in the short term, the marginal cost to State government would be approximately \$4,100 per additional prisoner per year. Over the long term, the marginal cost to State government would be approximately \$31,100 per additional prisoner per year. With any increase in the number of felony cases, costs to local courts and law enforcement could increase. Additionally, any increase in collected fine revenue would be dedicated to public libraries.

Date Completed: 2-10-15

Fiscal Analyst: John Maxwell

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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.