

HOUSE BILL No. 5915

September 21, 2016, Introduced by Rep. Hoadley and referred to the Committee on Criminal Justice.

A bill to amend 1988 PA 426, entitled

"An act to regulate dangerous animals; to provide for the confinement, tattooing, or destruction of dangerous animals; and to provide penalties for the owners or keepers of dangerous animals that attack human beings,"

by amending sections 1, 2, and 3 (MCL 287.321, 287.322, and 287.323) and by adding sections 2a, 2b, 2c, 2d, 2e, 3a, and 3b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 **(A) "ANIMAL CONTROL DEPARTMENT" MEANS AN ANIMAL CONTROL**
3 **SHELTER AS THAT TERM IS DEFINED IN SECTION 1 OF 1969 PA 287, MCL**
4 **287.331.**

5 **(B) "ATTACK" MEANS THE DELIBERATE ACTION OF AN ANIMAL, WHETHER**
6 **OR NOT IN RESPONSE TO A COMMAND BY ITS OWNER, TO BITE, SEIZE WITH**
7 **ITS TEETH, OR PURSUE AN INDIVIDUAL OR DOMESTIC ANIMAL WITH THE**
8 **OBVIOUS INTENT TO KILL, WOUND, INJURE, OR OTHERWISE HARM THE**

1 **INDIVIDUAL OR DOMESTIC ANIMAL.**

2 (C) ~~(a) "Dangerous animal" means a dog or other AN animal~~
3 **OTHER THAN A DOG** that bites or attacks a person, ~~or a dog that~~
4 ~~bites or attacks and causes serious injury or death to another dog~~
5 ~~while the other dog is on the property or under the control of its~~
6 ~~owner. However, a dangerous AN INDIVIDUAL. DANGEROUS~~ animal does
7 not include any of the following:

8 (i) An animal that bites or attacks a person **AN INDIVIDUAL** who
9 is knowingly trespassing on the property of the animal's owner.

10 (ii) An animal that bites or attacks a person **AN INDIVIDUAL**
11 who provokes or torments the animal.

12 (iii) An animal that is responding in a manner that an
13 ordinary and reasonable person **INDIVIDUAL** would conclude was
14 designed to protect a person **AN INDIVIDUAL** if that person
15 **INDIVIDUAL** is engaged in a lawful activity or is the subject of an
16 assault.

17 (iv) Livestock.

18 (D) "DANGEROUS DOG" MEANS 1 OR MORE OF THE FOLLOWING, SUBJECT
19 TO SUBDIVISION (E) :

20 (i) A DOG THAT HAS BEEN DETERMINED TO BE A POTENTIALLY
21 DANGEROUS DOG AND WHOSE OWNER HAS BEEN GIVEN NOTICE THAT THE DOG IS
22 A POTENTIALLY DANGEROUS DOG, IF 1 OR MORE OF THE FOLLOWING ARE
23 SATISFIED:

24 (A) THE DOG BITES, ATTACKS, OR THREATENS THE SAFETY OF AN
25 INDIVIDUAL OR A DOMESTIC ANIMAL.

26 (B) THE DOG CONTINUES THE BEHAVIOR DESCRIBED IN SUBDIVISION

27 (M) .

1 (C) THE DOG IS MAINTAINED IN VIOLATION OF THIS ACT.

2 (ii) A DOG THAT KILLS OR INFLICTS SEVERE INJURY ON AN
3 INDIVIDUAL WITHOUT PROVOCATION.

4 (iii) A DOG THAT KILLS A DOMESTIC ANIMAL WITHOUT PROVOCATION,
5 IF THE DOG IS NOT ON ITS OWNER'S REAL PROPERTY.

6 (iv) A DOG THAT HAS BEEN USED OR TRAINED FOR DOG FIGHTING.

7 (v) A DOG THAT HAS COMMITTED AT LEAST 3 REPORTED AND
8 DOCUMENTED BITES OF AN INDIVIDUAL OR DOMESTIC ANIMAL WITHOUT
9 PROVOCATION.

10 (E) "DANGEROUS DOG" OR "POTENTIALLY DANGEROUS DOG" DOES NOT
11 INCLUDE A DOG THAT THREATENS, INJURES, OR DAMAGES AN INDIVIDUAL,
12 ANIMAL, OR PROPERTY UNDER 1 OR MORE OF THE FOLLOWING CIRCUMSTANCES:

13 (i) THE INDIVIDUAL WAS COMMITTING A WILLFUL TRESPASS OR OTHER
14 UNLAWFUL CONDUCT UPON THE OWNER'S REAL PROPERTY.

15 (ii) THE INDIVIDUAL WAS INTENTIONALLY PROVOKING, TORMENTING,
16 ABUSING, OR ASSAULTING THE DOG, ITS OWNER, OR A FAMILY MEMBER OF
17 THE OWNER.

18 (iii) THE INDIVIDUAL WAS COMMITTING OR ATTEMPTING TO COMMIT A
19 CRIME.

20 (iv) THE ANIMAL WAS ATTACKING OR MENACING THE DOG AND IS A
21 DOMESTIC ANIMAL.

22 (v) THE ANIMAL WAS ATTACKING OR MENACING THE DOG WHILE ON THE
23 DOG OWNER'S REAL PROPERTY.

24 (vi) THE DOG WAS RESPONDING TO PAIN OR INJURY OR PROTECTING
25 ITS OFFSPRING.

26 (vii) THE DOG WAS PROTECTING OR DEFENDING AN INDIVIDUAL WITHIN
27 THE IMMEDIATE VICINITY OF THE DOG FROM AN ATTACK OR ASSAULT.

1 (viii) THE OWNER OF THE DOG IS A BRANCH OF THE UNITED STATES
2 MILITARY, A CORRECTIONAL FACILITY, OR A POLICE AGENCY, AND THE DOG
3 WAS PERFORMING ITS DUTIES AS EXPECTED.

4 (ix) THE DOG WAS WORKING AS A HUNTING DOG, HERDING DOG, OR
5 PREDATOR CONTROL DOG ON THE OWNER'S REAL PROPERTY OR UNDER THE
6 CONTROL OF ITS OWNER, AND THE INJURY OR DAMAGE WAS TO A SPECIES OR
7 TYPE OF DOMESTIC ANIMAL APPROPRIATE TO THE WORK OF THE DOG.

8 (F) "DOG" MEANS AN ANIMAL WITHIN THE CANINE FAMILY, WHETHER
9 DOMESTICATED OR WILD.

10 (G) "DOMESTIC ANIMAL" MEANS A DOG, CAT, POULTRY, LIVESTOCK, OR
11 ANY OTHER ANIMAL THAT IS COMMONLY KEPT, BRED, BOUGHT, OR SOLD AS A
12 PET.

13 (H) "IMPOUNDED" MEANS TAKEN INTO THE CUSTODY OF THE ANIMAL
14 CONTROL DEPARTMENT WHERE THE POTENTIALLY DANGEROUS DOG OR DANGEROUS
15 DOG WAS FOUND.

16 (I) "INDIVIDUAL" MEANS A HUMAN.

17 (J) ~~(b)~~ "Livestock" means animals used for human food and
18 fiber or animals used for service to human beings. Livestock
19 includes, but is not limited to, cattle, swine, sheep, llamas,
20 goats, bison, equine, poultry, and rabbits. Livestock does not
21 include animals that are human companions, such as dogs and cats.

22 (K) ~~(e)~~ "Owner" means a person who owns, ~~or~~ harbors, ~~a dog or~~
23 ~~other~~ ~~KEEPS, POSSESSES, OR HAS CONTROL OR CUSTODY OF AN~~ animal.

24 (l) "OWNER'S REAL PROPERTY" MEANS REAL PROPERTY OWNED OR
25 LEASED BY THE OWNER OF A DOG. OWNER'S REAL PROPERTY DOES NOT
26 INCLUDE A PUBLIC RIGHT-OF-WAY OR A COMMON AREA OF A CONDOMINIUM
27 COMPLEX, MANUFACTURED HOME PARK, APARTMENT COMPLEX, OR TOWNHOUSE

1 DEVELOPMENT.

2 (M) "POTENTIALLY DANGEROUS DOG" MEANS 1 OR MORE OF THE
3 FOLLOWING, SUBJECT TO SUBDIVISION (E):

4 (i) A DOG THAT HAS A KNOWN PROPENSITY OR DISPOSITION, AS
5 INDICATED BY SWORN STATEMENTS FROM AT LEAST 2 ADULTS AND AN
6 INVESTIGATION BY AN APPROPRIATE AUTHORITY, TO ATTACK WITHOUT
7 PROVOCATION, CHASE IN A MENACING FASHION, OR THREATEN THE SAFETY OF
8 INDIVIDUALS OR DOMESTIC ANIMALS.

9 (ii) A DOG THAT HAS INFLICTED SEVERE INJURY UPON A DOMESTIC
10 ANIMAL IF THE DOMESTIC ANIMAL WAS ON OR WAS CHASED BY THE DOG FROM
11 THE REAL PROPERTY OF THE OWNER OF THE DOMESTIC ANIMAL OR WAS UNDER
12 CONTROL OF ITS OWNER AND IF THE DOG INFLICTED THE INJURY WHILE ON
13 PROPERTY OTHER THAN ITS OWNER'S REAL PROPERTY.

14 (iii) A DOG THAT BITES AN INDIVIDUAL WITHOUT PROVOCATION AND
15 INFLECTS AN INJURY OTHER THAN A SERIOUS INJURY UPON THAT
16 INDIVIDUAL.

17 (N) ~~(d)~~ "Provoke" means to perform a willful act or omission
18 that an ordinary and reasonable ~~person~~ INDIVIDUAL would conclude is
19 likely to precipitate the bite or attack by an ordinary dog or
20 animal.

21 (O) ~~(e)~~ "Serious injury" means permanent, serious
22 disfigurement, serious impairment of health, or serious impairment
23 of a bodily function of a ~~person~~ AN INDIVIDUAL.

24 (P) "SEVERE INJURY" MEANS A PHYSICAL INJURY THAT RESULTS IN
25 BROKEN BONES, MUSCLE TEARS, MULTIPLE BITE WOUNDS, OR DISFIGURING
26 LACERATIONS THAT REQUIRE MULTIPLE SURGERIES OR CORRECTIVE OR
27 COSMETIC SURGERY.

1 (Q) ~~(F)~~ "Torment" means an act or omission that causes
2 unjustifiable pain, suffering, and distress to an animal, or causes
3 mental and emotional anguish in the animal as evidenced by its
4 altered behavior, for a purpose such as sadistic pleasure,
5 coercion, or punishment that an ordinary and reasonable ~~person~~
6 **INDIVIDUAL** would conclude is likely to precipitate the bite or
7 attack.

8 (R) **"WITHOUT PROVOCATION" MEANS WHILE THE VICTIM WAS**
9 **CONDUCTING HIMSELF OR HERSELF LAWFULLY AND PEACEFULLY.**

10 Sec. 2. (1) Upon a sworn complaint that an animal is a
11 dangerous animal and the animal has caused serious injury or death
12 to a ~~person~~ **AN INDIVIDUAL** or has caused serious injury or death to
13 a dog, a district court magistrate, district court, or a municipal
14 court shall issue a summons to the owner ordering him or her to
15 appear to show cause why the animal should not be destroyed.

16 (2) Upon the filing of a sworn complaint as provided in
17 subsection (1), the court or magistrate shall order the owner to
18 immediately turn the animal over to a proper animal control
19 authority, an incorporated humane society, a licensed veterinarian,
20 or a boarding kennel, at the owner's option, to be retained by them
21 until a hearing is held and a decision is made for the disposition
22 of the animal. The owner shall notify the person who retains the
23 animal under this section of the complaint and order. The expense
24 of the boarding and retention of the animal is to be borne by the
25 owner. The animal shall not be returned to the owner until it has a
26 current rabies vaccination and a license as required by law.

27 (3) After a hearing, the magistrate or court shall order the

1 destruction of the animal, at the expense of the owner, if the
2 animal is found to be a dangerous animal that caused serious injury
3 or death to ~~a person~~**AN INDIVIDUAL** or a dog. After a hearing, the
4 court may order the destruction of the animal, at the expense of
5 the owner, if the court finds that the animal is a dangerous animal
6 that did not cause serious injury or death to ~~a person~~**AN**
7 **INDIVIDUAL** but is likely in the future to cause serious injury or
8 death to ~~a person~~**AN INDIVIDUAL** or in the past has been adjudicated
9 a dangerous animal.

10 (4) If the court or magistrate finds that an animal is a
11 dangerous animal but has not caused serious injury or death to a
12 ~~person~~**AN INDIVIDUAL**, the court or magistrate shall notify the
13 animal control authority for the county in which the complaint was
14 filed of the finding of the court, the name of the owner of the
15 dangerous animal, and the address at which the animal was kept at
16 the time of the finding of the court. In addition, the court or
17 magistrate shall order the owner of that animal to do 1 or more of
18 the following:

19 ~~—— (a) If the animal that has been found to be a dangerous animal~~
20 ~~is of the canis familiaris species, have an identification number~~
21 ~~tattooed upon the animal, at the owner's expense, by or under the~~
22 ~~supervision of a licensed veterinarian. The identification number~~
23 ~~shall be assigned to the animal by the Michigan department of~~
24 ~~agriculture and shall be noted in its records pursuant to Act No.~~
25 ~~309 of the Public Acts of 1939, being sections 287.301 to 287.308~~
26 ~~of the Michigan Compiled Laws. The identification number shall be~~
27 ~~tattooed on the upper inner left rear thigh of the animal by means~~

1 ~~of indelible or permanent ink.~~

2 (A) ~~(b)~~ Take specific steps, such as escape proof fencing or
3 enclosure, including a top or roof, to ensure that the animal
4 cannot escape or nonauthorized individuals cannot enter the
5 premises.

6 (B) ~~(c)~~ Have the animal sterilized.

7 (C) ~~(d)~~ Obtain and maintain liability insurance coverage
8 sufficient to protect the public from any damage or harm caused by
9 the animal.

10 (D) ~~(e)~~ Take any other action appropriate to protect the
11 public.

12 (5) THIS SECTION DOES NOT APPLY TO A DOG OR THE OWNER OF A
13 DOG.

14 SEC. 2A. (1) UPON A SWORN COMPLAINT THAT A DOG IS A
15 POTENTIALLY DANGEROUS DOG OR A DANGEROUS DOG, A DISTRICT COURT
16 MAGISTRATE, DISTRICT COURT, OR MUNICIPAL COURT SHALL ISSUE A
17 SUMMONS TO THE OWNER ORDERING HIM OR HER TO APPEAR TO SHOW CAUSE
18 WHY THE DOG SHOULD NOT BE DECLARED A POTENTIALLY DANGEROUS DOG OR A
19 DANGEROUS DOG UNDER THIS ACT.

20 (2) UPON THE FILING OF A SWORN COMPLAINT AS PROVIDED IN
21 SUBSECTION (1), THE COURT OR MAGISTRATE SHALL ORDER THAT THE ANIMAL
22 CONTROL DEPARTMENT OR LAW ENFORCEMENT AGENCY SEIZE AND IMPOUND THE
23 DOG UNTIL A HEARING IS HELD AND A DECISION IS MADE FOR THE
24 DISPOSITION OF THE DOG AT THE OWNER'S EXPENSE IF THE DOG POSES AN
25 IMMEDIATE THREAT TO PUBLIC SAFETY.

26 (3) AFTER A HEARING, IF THE COURT DETERMINES THAT A DOG IS A
27 DANGEROUS DOG, THE COURT MAY ORDER THE DESTRUCTION OF THE DOG IF

1 THE COURT FINDS THAT RELEASE OF THE DOG FROM IMPOUNDMENT WOULD POSE
2 A SIGNIFICANT THREAT TO THE PUBLIC HEALTH, SAFETY, OR WELFARE.

3 SEC. 2B. (1) IF THE COURT FINDS THAT A DOG IS A POTENTIALLY
4 DANGEROUS DOG OR A DANGEROUS DOG AFTER A HEARING UNDER SECTION 2A,
5 THE COURT SHALL ORDER THE OWNER TO DO ALL OF THE FOLLOWING:

6 (A) HAVE THE DOG STERILIZED IF NOT ALREADY STERILIZED.

7 (B) HAVE THE DOG VACCINATED FOR RABIES.

8 (C) OBTAIN A LICENSE FOR THE DOG AS PROVIDED IN THE DOG LAW OF
9 1919, 1919 PA 339, MCL 287.261 TO 287.290.

10 (D) NO LATER THAN 30 DAYS AFTER THE DETERMINATION, GIVE
11 WRITTEN NOTICE OF THE DETERMINATION TO THE LOCAL BRANCH OF THE
12 UNITED STATES POST OFFICE AND ALL UTILITY COMPANIES THAT PROVIDE
13 SERVICES TO THE OWNER'S REAL PROPERTY. THE OWNER SHALL PROVIDE A
14 COPY OF EACH NOTICE GIVEN UNDER THIS SECTION TO THE ANIMAL CONTROL
15 DEPARTMENT.

16 (E) DISCLOSE THE DETERMINATION IN WRITING TO EACH PROVIDER OF
17 SERVICE OR TREATMENT TO THE DOG. AS USED IN THIS SUBDIVISION,
18 "PROVIDER OF SERVICE OR TREATMENT" INCLUDES, BUT IS NOT LIMITED TO,
19 THE FOLLOWING:

20 (i) A VETERINARY HEALTH CARE WORKER.

21 (ii) A DOG GROOMER.

22 (iii) A STAFF MEMBER OF A HUMANE SOCIETY OR OTHER ANIMAL
23 WELFARE AGENCY.

24 (iv) A PET ANIMAL CARE FACILITY WORKER.

25 (v) A PROFESSIONAL DOG HANDLER OR TRAINER.

26 (2) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (1), IF THE
27 COURT FINDS THAT A DOG IS A POTENTIALLY DANGEROUS DOG AFTER A

1 HEARING UNDER SECTION 2A, THE COURT SHALL ORDER THE OWNER TO DO ALL
2 OF THE FOLLOWING:

3 (A) WHILE ON THE OWNER'S REAL PROPERTY, KEEP THE DOG INDOORS
4 OR IN A SECURELY FENCED YARD FROM WHICH THE DOG CANNOT ESCAPE AND
5 INTO WHICH CHILDREN CANNOT TRESPASS.

6 (B) WHILE OUTSIDE THE OWNER'S REAL PROPERTY, KEEP THE DOG
7 UNDER THE CONTROL OF A RESPONSIBLE ADULT AND RESTRAINED ON A
8 SUBSTANTIAL LEASH OF NO MORE THAN 6 FEET LONG.

9 (3) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (1), IF THE
10 COURT FINDS THAT A DOG IS A DANGEROUS DOG AFTER A HEARING UNDER
11 SECTION 2A AND DOES NOT ORDER DESTRUCTION OF THE DOG, THE COURT
12 SHALL ORDER THE OWNER TO DO ALL OF THE FOLLOWING:

13 (A) HAVE THE DOG IDENTIFIED BY AN IDENTIFICATION NUMBER
14 TATTOOED ON THE DOG'S UPPER INNER LEFT REAR THIGH BY MEANS OF
15 INDELIBLE OR PERMANENT INK OR BY ELECTRONIC IMPLANTATION.

16 (B) WHILE ON THE OWNER'S REAL PROPERTY, KEEP THE DOG INDOORS
17 OR IN A SECURELY ENCLOSED AND LOCKED STRUCTURE OF A SUFFICIENT
18 HEIGHT AND DESIGN TO PREVENT THE DOG'S ESCAPE OR DIRECT CONTACT
19 WITH OR ENTRY BY CHILDREN, ADULTS, OR OTHER ANIMALS OR DOGS, AND
20 THAT IS DESIGNED TO PROVIDE SHELTER FROM THE ELEMENTS.

21 (C) WHILE THE DOG IS OUTSIDE THE OWNER'S REAL PROPERTY, THE
22 OWNER SHALL DO ALL OF THE FOLLOWING:

23 (i) ENSURE THAT THE DOG IS WEARING A MUZZLE THAT PREVENTS THE
24 DOG FROM BITING AN INDIVIDUAL, ANOTHER DOG, OR AN ANIMAL, BUT THAT
25 DOES NOT INJURE THE DOG OR INTERFERE WITH ITS BREATHING.

26 (ii) KEEP THE DOG UNDER THE CONTROL OF A RESPONSIBLE ADULT.

27 (iii) RESTRAIN THE DOG ON A SUBSTANTIAL LEASH OF NO MORE THAN

1 6 FEET LONG.

2 (4) THE COURT MAY PROHIBIT THE OWNER OF A DOG DETERMINED TO BE
3 A DANGEROUS DOG UNDER SECTION 2A FROM OWNING, POSSESSING,
4 CONTROLLING, OR HAVING CUSTODY OF AN ANIMAL FOR A PERIOD OF UP TO 3
5 YEARS.

6 SEC. 2C. (1) THE OWNER OF A DOG THAT HAS BEEN FOUND TO BE A
7 POTENTIALLY DANGEROUS DOG OR A DANGEROUS DOG UNDER SECTION 2A SHALL
8 NOTIFY THE ANIMAL CONTROL DEPARTMENT IF 1 OR MORE OF THE FOLLOWING
9 OCCUR:

10 (A) THE DOG IS LOOSE OR UNCONFINED.

11 (B) THE DOG BITES AN INDIVIDUAL OR ATTACKS ANOTHER ANIMAL.

12 (C) THE DOG IS SOLD, GIVEN AWAY, OR DIES.

13 (2) THE OWNER OF A DOG THAT HAS BEEN FOUND TO BE A POTENTIALLY
14 DANGEROUS DOG OR A DANGEROUS DOG UNDER SECTION 2A SHALL NOTIFY THE
15 ANIMAL CONTROL DEPARTMENT HAVING JURISDICTION OF HIS OR HER OLD
16 ADDRESS AND THE ANIMAL CONTROL DEPARTMENT HAVING JURISDICTION OF
17 HIS OR HER NEW ADDRESS WITHIN 10 DAYS AFTER MOVING TO A NEW
18 ADDRESS.

19 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE OWNER
20 OF A DANGEROUS DOG SHALL NOT SELL OR OTHERWISE TRANSFER OWNERSHIP
21 OF THE DOG. THE OWNER OF A DANGEROUS DOG SHALL NOT RELINQUISH THE
22 DOG TO THE ANIMAL CONTROL DEPARTMENT EXCEPT FOR THE PURPOSE OF
23 EUTHANASIA.

24 SEC. 2D. (1) THE ANIMAL CONTROL DEPARTMENT SHALL MAINTAIN A
25 LIST OF ALL DOGS WITHIN THE JURISDICTION OF THE ANIMAL CONTROL
26 DEPARTMENT THAT HAVE BEEN FOUND TO BE POTENTIALLY DANGEROUS DOGS
27 UNDER SECTION 2A.

1 (2) THE ANIMAL CONTROL DEPARTMENT MAY REMOVE A POTENTIALLY
2 DANGEROUS DOG FROM THE LIST MAINTAINED UNDER SUBSECTION (1) IF THE
3 OWNER DEMONSTRATES TO THE SATISFACTION OF THE ANIMAL CONTROL
4 DEPARTMENT THAT A CHANGE IN CIRCUMSTANCES OR ACTION TAKEN BY THE
5 OWNER HAS MITIGATED THE RISK THE DOG POSES TO PUBLIC SAFETY.

6 SEC. 2E. (1) NO LATER THAN 10 DAYS AFTER THE DATE A DOG IS
7 DETERMINED TO BE A DANGEROUS DOG UNDER SECTION 2A, THE OWNER SHALL
8 OBTAIN A DANGEROUS DOG REGISTRATION CERTIFICATE AND A TAG
9 IDENTIFYING THE DOG AS A DANGEROUS DOG FROM THE ANIMAL CONTROL
10 DEPARTMENT FOR A FEE OF NOT LESS THAN \$100.00 TO BE DETERMINED BY
11 THE COUNTY BOARD OF COMMISSIONERS FOR THE COUNTY WITHIN WHICH THE
12 ANIMAL CONTROL DEPARTMENT IS LOCATED. A CERTIFICATE OR A RENEWAL OF
13 A CERTIFICATE UNDER THIS SECTION SHALL ONLY BE ISSUED TO
14 INDIVIDUALS 18 YEARS OF AGE OR OLDER. THE ANIMAL CONTROL DEPARTMENT
15 SHALL ONLY ISSUE A CERTIFICATE TO AN OWNER WHO PRESENTS
16 SATISFACTORY EVIDENCE OF ALL OF THE FOLLOWING:

17 (A) THAT THE DOG HAS BEEN VACCINATED FOR RABIES, STERILIZED,
18 AND PERMANENTLY IDENTIFIED AS REQUIRED BY SECTION 2B.

19 (B) THAT THE DOG IS CONFINED IN A PROPER ENCLOSURE OR IN THE
20 OWNER'S RESIDENCE, OR IS MUZZLED AND CONFINED IN THE OWNER'S
21 FENCED-IN YARD UNTIL THE OWNER CONSTRUCTS A PROPER ENCLOSURE.

22 (C) THAT THE OWNER HAS POSTED CLEARLY VISIBLE SIGNS ON HIS OR
23 HER PROPERTY WARNING PEOPLE THAT A DANGEROUS DOG IS ON THE
24 PROPERTY.

25 (D) THAT THE OWNER HAS LIABILITY INSURANCE COVERAGE IN THE
26 AMOUNT OF AT LEAST \$100,000.00 THAT COVERS DOG BITES, OR THAT THE
27 OWNER HAS SECURED AND MAINTAINED A SURETY BOND IN THE AMOUNT OF AT

1 LEAST \$100,000.00.

2 (2) THE TAG DESCRIBED IN SUBSECTION (1) SHALL BE OF A UNIFORM
3 DESIGN DEVELOPED BY THE SAME ENTITY THAT DEVELOPS THE DOG LICENSES
4 FOR THE ANIMAL CONTROL DEPARTMENT ISSUING THE TAG, AND SHALL
5 SPECIFY, IN LARGE LETTERS, THE PHRASE "DANGEROUS DOG".

6 (3) THE OWNER SHALL AFFIX THE TAG DESCRIBED IN SUBSECTION (1)
7 TO THE DOG'S COLLAR AND ENSURE THAT THE DOG WEARS THE COLLAR AND
8 TAG AT ALL TIMES.

9 (4) A CERTIFICATE OBTAINED UNDER SUBSECTION (1) SHALL BE
10 RENEWED ANNUALLY FOR A FEE AND IN THE SAME MANNER AS THE INITIAL
11 CERTIFICATE WAS OBTAINED.

12 (5) THE ANIMAL CONTROL DEPARTMENT SHALL PROVIDE A COPY OF EACH
13 DANGEROUS DOG REGISTRATION CERTIFICATE ISSUED UNDER THIS SECTION
14 AND A VERIFICATION OF COMPLIANCE WITH SUBSECTION (1) TO THE STATE
15 VETERINARIAN.

16 Sec. 3. (1) The owner of an animal that meets the definition
17 of a dangerous animal in section 1(a) that causes the death of a
18 ~~person~~**AN INDIVIDUAL** is guilty of involuntary manslaughter, ~~7~~
19 punishable under section 321 of the Michigan penal code, ~~Act No.~~
20 ~~328 of the Public Acts of 1931, being section 750.321 of the~~
21 ~~Michigan Compiled Laws. 1931 PA 328, MCL 750.321.~~

22 (2) If an animal that meets the definition of a dangerous
23 animal in section 1(a) attacks a ~~person~~**AN INDIVIDUAL** and causes
24 serious injury other than death, the owner of the animal is guilty
25 of a felony, ~~7~~ punishable by imprisonment for not more than 4 years,
26 a fine of not less than \$2,000.00, or community service work for
27 not less than 500 hours, or any combination of these penalties.

1 (3) If an animal previously adjudicated to be a dangerous
2 animal attacks or bites ~~a person~~**AN INDIVIDUAL** and causes an injury
3 that is not a serious injury, the owner of the animal is guilty of
4 a misdemeanor ~~punishable~~ punishable by imprisonment for not more than 90
5 days, a fine of not less than \$250.00 ~~nor~~**OR** more than \$500.00, or
6 community service work for not less than 240 hours, or any
7 combination of these penalties.

8 (4) If the owner of an animal that is previously adjudicated
9 to be a dangerous animal allows the animal to run at large, the
10 owner is guilty of a misdemeanor ~~punishable~~ punishable by imprisonment for
11 not more than 90 days, a fine of not less than \$250.00 ~~nor~~**OR** more
12 than \$500.00, or community service work for not less than 240
13 hours, or any combination of these penalties.

14 (5) The court may order a person convicted under this section
15 to pay the costs of the prosecution.

16 **(6) THIS SECTION DOES NOT APPLY TO A DOG OR THE OWNER OF A**
17 **DOG.**

18 **SEC. 3A. (1) IF THE OWNER OF A POTENTIALLY DANGEROUS DOG OR A**
19 **DANGEROUS DOG FAILS TO COMPLY WITH ANY CONDITION IMPOSED BY A COURT**
20 **UNDER THIS ACT OR VIOLATES THIS ACT, HE OR SHE IS GUILTY OF A**
21 **FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS, A FINE**
22 **OF NOT LESS THAN \$2,000.00, OR COMMUNITY SERVICE WORK FOR NOT LESS**
23 **THAN 500 HOURS, OR ANY COMBINATION OF THESE PENALTIES.**

24 **(2) IF A POTENTIALLY DANGEROUS DOG OR A DANGEROUS DOG ATTACKS**
25 **AN INDIVIDUAL AFTER THE DOG HAS BEEN DECLARED A POTENTIALLY**
26 **DANGEROUS DOG OR DANGEROUS DOG, THE OWNER SHALL SURRENDER THE DOG**
27 **TO THE APPROPRIATE ANIMAL CONTROL DEPARTMENT, WHICH SHALL EUTHANIZE**

1 THE DOG.

2 SEC. 3B. THE GOVERNING BODY OF A LOCAL UNIT OF GOVERNMENT MAY
3 ENACT AN ORDINANCE REGULATING POTENTIALLY DANGEROUS DOGS AND
4 DANGEROUS DOGS THAT IS SUBSTANTIALLY SIMILAR TO SECTIONS 2A TO 2E.

5 Enacting section 1. This amendatory act takes effect 90 days
6 after the date it is enacted into law.