

SUBSTITUTE FOR
SENATE BILL NO. 1227

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 section 2 (MCL 287.322).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) Upon a sworn complaint that an animal is a
2 dangerous animal and the animal has caused serious injury or death
3 to ~~a person~~ **AN INDIVIDUAL** or has caused serious injury or death to
4 a dog, a district court magistrate, district court, or a municipal
5 court shall issue a summons to the owner ordering him or her to
6 appear to show cause why the animal should not be destroyed **AND**
7 **PROVIDE, IN ACCORDANCE WITH MCR 2.501, NOT LESS THAN 28 DAYS'**
8 **NOTICE OF THE DATE ON WHICH THE OWNER MUST APPEAR. ALL EVIDENCE,**
9 **INVESTIGATIONS, NOTES, DETERMINATIONS, AND COMMUNICATIONS SHALL BE**

1 PROVIDED TO THE OWNER, INCLUDING EXCULPATORY EVIDENCE. DISCOVERY
2 SHALL BE PERMITTED.

3 (2) Upon the filing of a sworn complaint as provided in
4 subsection (1), the court or magistrate shall order the owner to
5 immediately turn the animal over to a proper animal control
6 authority, **AN ANIMAL CONTROL SHELTER, AN ANIMAL PROTECTION SHELTER,**
7 an incorporated humane society, a licensed veterinarian, or a
8 boarding kennel, at the owner's option, to be retained by them
9 until a hearing is held and a decision is made for the disposition
10 of the animal. The owner shall notify the person ~~who~~ **THAT** retains
11 the animal under this section of the complaint and order. The **OWNER**
12 **SHALL BE RESPONSIBLE FOR THE** expense of the boarding and retention
13 of the animal ~~is to be borne by the owner.~~ **UNLESS THE ANIMAL IS**
14 **HELD BY AN ANIMAL CONTROL AUTHORITY AND THE ANIMAL IS EXONERATED.**
15 The animal shall not be returned to the owner until it has a
16 current rabies vaccination and a license as required by law. **AS**
17 **USED IN THIS SUBSECTION, "ANIMAL CONTROL SHELTER" AND "ANIMAL**
18 **PROTECTION SHELTER" MEAN THOSE TERMS AS DEFINED IN SECTION 1 OF**
19 **1969 PA 287, MCL 287.331.**

20 (3) ~~After~~ **IF, AFTER** a hearing, **AN ANIMAL IS FOUND BY CLEAR AND**
21 **CONVINCING EVIDENCE AND WITHOUT JUSTIFICATION TO BE A DANGEROUS**
22 **ANIMAL THAT CAUSED SERIOUS INJURY OR DEATH TO AN INDIVIDUAL OR**
23 **DEATH TO A DOG,** the magistrate or court ~~shall~~ **MAY** order, **AT THE**
24 **EXPENSE OF THE OWNER,** the destruction of the animal, ~~at the expense~~
25 ~~of the owner, if the animal is found to be a dangerous animal that~~
26 ~~caused serious injury or death to a person or a dog. After a~~
27 ~~hearing, the~~ **OR COMPLIANCE BY THE OWNER WITH 1 OR MORE OF THE**

1 PROVISIONS PRESCRIBED IN SUBSECTION (4) (A) TO (E). THE court may,
 2 AFTER A HEARING, order the destruction of the animal, at the
 3 expense of the owner, if the court finds that the animal is a
 4 dangerous animal that did not cause serious injury or death to a
 5 ~~person~~ **AN INDIVIDUAL** but is likely in the future to cause serious
 6 injury or death to a ~~person~~ **AN INDIVIDUAL** or in the past has been
 7 adjudicated a dangerous animal.

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

18 (a) If the animal ~~that has been found to be a dangerous animal~~
 19 is of the *Canis familiaris* species, have ~~an identification number~~
 20 ~~tattooed upon the animal,~~ **THE ANIMAL MICROCHIPPED**, at the owner's
 21 expense, by or under the supervision of a licensed veterinarian.
 22 ~~The identification number shall be assigned to the animal by the~~
 23 ~~Michigan~~ **THE** department of agriculture **AND RURAL DEVELOPMENT SHALL**
 24 **ASSIGN AN IDENTIFICATION NUMBER TO THE ANIMAL** and **THE NUMBER** shall
 25 be noted in its records. ~~pursuant to Act No. 309 of the Public Acts~~
 26 ~~of 1939, being sections 287.301 to 287.308 of the Michigan Compiled~~
 27 ~~Laws. The identification number shall be tattooed on the upper~~

~~inner left rear thigh of the animal by means of indelible or permanent ink.~~ THE DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT SHALL PROMULGATE RULES AND PROCEDURES TO IMPLEMENT THIS SUBSECTION IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328.

(b) Take specific steps, such as **THE USE OF** escape proof fencing or **AN** enclosure ~~, including~~ **THAT INCLUDES** a top or roof, to ensure that the animal cannot escape or nonauthorized individuals cannot enter the premises.

(c) Have the animal sterilized.

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

(e) Take any other action appropriate to protect the public.

(5) AN ANIMAL CONTROL OFFICER OR INVESTIGATING LAW ENFORCEMENT OFFICER SHALL NOT COERCE OR THREATEN THE OWNER OF AN ANIMAL ALLEGED OR ADJUDICATED TO BE A DANGEROUS ANIMAL UNDER THIS SECTION TO CAUSE THE OWNER TO RELINQUISH THE ANIMAL.

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