

**HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 657**

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 50 (MCL 750.50), as amended by 2019 PA 135.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1       Sec. 50. (1) As used in this section and section 50b:
- 2       (a) "Adequate care" means the provision of sufficient food,
- 3 water, shelter, sanitary conditions, exercise, and veterinary
- 4 medical attention ~~in order~~ to maintain an animal in a state of good
- 5 health.
- 6       (b) "Animal" means a vertebrate other than a human being.
- 7       ~~(c) "Animal control shelter" means a facility operated by a~~
- 8 ~~county, city, village, or township to impound and care for animals~~
- 9 ~~found in streets or otherwise at large contrary to an ordinance of~~



1 ~~the county, city, village, or township or state law.~~

2 ~~(d) "Animal protection shelter" means a facility operated by a~~  
3 ~~person, humane society, society for the prevention of cruelty to~~  
4 ~~animals, or any other nonprofit organization, for the care of~~  
5 ~~homeless animals.~~

6 (c) "Animal control agency" means an animal control shelter,  
7 an animal protection shelter, or a law enforcement agency.

8 (d) "Animal control shelter" and "animal protection shelter"  
9 mean those terms as defined in section 1 of 1969 PA 287, MCL  
10 287.331.

11 (e) "Breeder" means a person that breeds animals other than  
12 livestock or dogs for remuneration, or that is a large-scale dog  
13 breeding kennel as that term is defined in section 1 of 1969 PA  
14 287, MCL 287.331.

15 (f) "Licensed veterinarian" means a person licensed or  
16 otherwise authorized to practice veterinary medicine under article  
17 15 of the public health code, 1978 PA 368, MCL 333.16101 to  
18 333.18838.

19 (g) "Livestock" means that term as defined in section 3 of the  
20 animal industry act, 1988 PA 466, MCL 287.703.

21 (h) "Neglect" means to fail to sufficiently and properly care  
22 for an animal to the extent that the animal's health is  
23 jeopardized.

24 (i) "Person" means an individual, partnership, limited  
25 liability company, corporation, association, governmental entity,  
26 or other legal entity.

27 (j) "Pet shop" means that term as defined in section 1 of 1969  
28 PA 287, MCL 287.331.

29 (k) "Sanitary conditions" means space free from health hazards



1 including excessive animal waste, overcrowding of animals, or other  
2 conditions that endanger the animal's health. This definition does  
3 not include any condition resulting from a customary and reasonable  
4 practice pursuant to farming or animal husbandry.

5 (l) "Service animal" means all of the following:

6 (i) That term as defined in 28 CFR 36.104.

7 (ii) A miniature horse that has been individually trained to do  
8 work or perform tasks as described in 28 CFR 36.104 for the benefit  
9 of a person with a disability.

10 (m) ~~(l)~~ "Shelter" means adequate protection from the elements  
11 and weather conditions suitable for the age, species, and physical  
12 condition of the animal so as to maintain the animal in a state of  
13 good health. Shelter, for livestock, includes structures or natural  
14 features such as trees or topography. Shelter, for a dog, includes  
15 1 or more of the following:

16 (i) The residence of the dog's owner or other individual.

17 (ii) A doghouse that is an enclosed structure with a roof and  
18 of appropriate dimensions for the breed and size of the dog. The  
19 doghouse must have dry bedding when the outdoor temperature is or  
20 is predicted to drop below freezing.

21 (iii) A structure, including a garage, barn, or shed, that is  
22 sufficiently insulated and ventilated to protect the dog from  
23 exposure to extreme temperatures or, if not sufficiently insulated  
24 and ventilated, contains a doghouse as provided under subparagraph  
25 (ii) that is accessible to the dog.

26 (n) ~~(m)~~ "State of good health" means freedom from disease and  
27 illness, and in a condition of proper body weight and temperature  
28 for the age and species of the animal, unless the animal is  
29 undergoing appropriate treatment.



1        (o) ~~(n)~~ "Tethering" means the restraint and confinement of a  
2 dog by use of a chain, rope, or similar device.

3        (p) ~~(e)~~ "Water" means potable water that is suitable for the  
4 age and species of animal and that is made regularly available  
5 unless otherwise directed by a licensed veterinarian.

6        (2) An owner, possessor, breeder, operator of a pet shop, or  
7 person having the charge or custody of an animal shall not do any  
8 of the following:

9        (a) Fail to provide an animal with adequate care.

10       (b) Cruelly drive, work, or beat an animal, or cause an animal  
11 to be cruelly driven, worked, or beaten.

12       (c) Carry or cause to be carried in or ~~upon~~ **on** a vehicle or  
13 otherwise any live animal having the feet or legs tied together,  
14 other than an animal being transported for medical care or a horse  
15 whose feet are hobbled to protect the horse during transport, or in  
16 any other cruel and inhumane manner.

17       (d) Carry or cause to be carried a live animal in or ~~upon~~ **on** a  
18 vehicle or otherwise without providing a secure space, rack, car,  
19 crate, or cage in which livestock may stand and in which all other  
20 animals may stand, turn around, and lie down during transportation,  
21 or while awaiting slaughter. As used in this subdivision, for  
22 purposes of transportation of sled dogs, "stand" means sufficient  
23 vertical distance to allow the animal to stand without ~~its~~ **the**  
24 **animal's** shoulders touching the top of the crate or transportation  
25 vehicle.

26       (e) Abandon an animal or cause an animal to be abandoned, in  
27 any place, without making provisions for the animal's adequate  
28 care, unless premises are vacated for the protection of human life  
29 or the prevention of injury to a human. An animal that is lost by



1 an owner or custodian while traveling, walking, hiking, or hunting  
2 is not abandoned under this section when the owner or custodian has  
3 made a reasonable effort to locate the animal.

4 (f) Negligently allow any animal, including ~~one who~~ **an animal**  
5 **that** is aged, diseased, maimed, hopelessly sick, disabled, or  
6 nonambulatory to suffer unnecessary neglect, torture, or pain.

7 (g) Tether a dog unless the tether is at least 3 times the  
8 length of the dog as measured from the tip of ~~its~~ **the dog's** nose to  
9 the base of ~~its~~ **the dog's** tail and is attached to a harness or  
10 nonchoke collar designed for tethering. This subdivision does not  
11 apply if the tethering of the dog occurs while the dog is being  
12 groomed, trained, transported, or used in a hunt or event where a  
13 shorter tether is necessary for the safety and well-being of the  
14 dog and others.

15 (3) ~~If an animal is impounded and is being held by an animal~~  
16 ~~control shelter or its designee or an animal protection shelter or~~  
17 ~~its designee or a licensed veterinarian pending the outcome of a~~  
18 ~~criminal action charging a violation of this section or section~~  
19 ~~50b, before final disposition of the criminal charge, the~~  
20 ~~prosecuting attorney may file a civil action in the court that has~~  
21 ~~jurisdiction of the criminal action, requesting that the court~~  
22 ~~issue an order forfeiting the animal to the animal control shelter~~  
23 ~~or animal protection shelter or to a licensed veterinarian before~~  
24 ~~final disposition of the criminal charge. The prosecuting attorney~~  
25 ~~shall serve a true copy of the summons and complaint upon the~~  
26 ~~defendant and upon a person with a known ownership interest or~~  
27 ~~known security interest in the animal or a person who has filed a~~  
28 ~~lien with the secretary of state on the animal. The forfeiture of~~  
29 ~~an animal under this section encumbered by a security interest is~~



~~subject to the interest of the holder of the security interest if he or she did not have prior knowledge of or did not consent to the commission of the crime. Upon the filing of the civil action, the court shall set a hearing on the complaint. The hearing must be conducted within 14 days of the filing of the civil action, or as soon as practicable. The hearing must be before a judge without a jury. At the hearing, the prosecuting attorney has the burden of establishing by a preponderance of the evidence that a violation of this section or section 50b occurred. If the court finds that the prosecuting attorney has met this burden, the court shall order immediate forfeiture of the animal to the animal control shelter or animal protection shelter or the licensed veterinarian unless the defendant, within 72 hours of the hearing, submits to the court clerk cash or other form of security in an amount determined by the court to be sufficient to repay all reasonable costs incurred, and anticipated to be incurred, by the animal control shelter or animal protection shelter or the licensed veterinarian in caring for the animal from the date of initial impoundment to the date of trial. If cash or other security has been submitted, and the trial in the action is continued at a later date, any order of continuance must require the defendant to submit additional cash or security in an amount determined by the court to be sufficient to repay all additional reasonable costs anticipated to be incurred by the animal control shelter or animal protection shelter or the licensed veterinarian in caring for the animal until the new date of trial. If the defendant submits cash or other security to the court under this subsection the court may enter an order authorizing the use of that cash or other security before final disposition of the criminal charges to pay the reasonable costs incurred by the animal~~



~~control shelter or animal protection shelter or the licensed veterinarian in caring for the animal from the date of impoundment to the date of final disposition of the criminal charges. The testimony of a person at a hearing held under this subsection is not admissible against him or her in any criminal proceeding except in a criminal prosecution for perjury. The testimony of a person at a hearing held under this subsection does not waive the person's constitutional right against self incrimination. An animal seized under this section or section 50b is not subject to any other civil action pending the final judgment of the forfeiture action under this subsection.~~**Except as provided in this subsection and subsection (22), an animal that is a victim of a violation of this section and was seized by an animal control agency pending the outcome of a criminal action that charges a violation of this section must not be returned to the owner or possessor of the animal if the owner or possessor is alleged to have violated this section. A seized animal must be taken to a local animal control agency or a local animal control agency's designee. A service animal that is a victim of a violation of this section may be seized by an animal control agency under this section at the animal control agency's discretion, taking into consideration the totality of the circumstances. If an animal owner or possessor is convicted of violating subsection (2), the court shall award the animal involved in the violation to the animal control agency for evaluation and disposition.**

(4) A person ~~who~~**that** violates subsection (2) is guilty of a crime as follows:

(a) Except as otherwise provided in subdivisions (c) to (f), if the violation involved 1 animal, the person is guilty of a



1 misdemeanor punishable by 1 or more of the following and may be  
2 ordered to pay the costs of prosecution:

3 (i) Imprisonment for not more than 93 days.

4 (ii) A fine of not more than \$1,000.00.

5 (iii) Community service for not more than 200 hours.

6 (b) Except as otherwise provided in subdivisions (c) to (f),  
7 if the violation involved 2 or 3 animals or the death of any  
8 animal, the person is guilty of a misdemeanor punishable by 1 or  
9 more of the following and may be ordered to pay the costs of  
10 prosecution:

11 (i) Imprisonment for not more than 1 year.

12 (ii) A fine of not more than \$2,000.00.

13 (iii) Community service for not more than 300 hours.

14 (c) If the violation involved 4 or more animals but fewer than  
15 10 animals or the person had 1 prior conviction under subsection  
16 (2), the person is guilty of a felony punishable by 1 or more of  
17 the following and may be ordered to pay the costs of prosecution:

18 (i) Imprisonment for not more than 2 years.

19 (ii) A fine of not more than \$2,000.00.

20 (iii) Community service for not more than 300 hours.

21 (d) If the violation involved 10 or more animals but fewer  
22 than 25 animals or the person had 2 prior convictions for violating  
23 subsection (2), the person is guilty of a felony punishable by 1 or  
24 more of the following and may be ordered to pay the costs of  
25 prosecution:

26 (i) Imprisonment for not more than 4 years.

27 (ii) A fine of not more than \$5,000.00.

28 (iii) Community service for not more than 500 hours.





(e) If the violation involved 25 or more animals or the person has had 3 or more prior convictions for violating subsection (2), the person is guilty of a felony punishable by 1 or more of the following and may be ordered to pay the costs of prosecution:

(i) Imprisonment for not more than 7 years.

(ii) A fine of not more than \$10,000.00.

(iii) Community service for not more than 500 hours.

(f) If the person is a breeder, or if the person is an operator of a pet shop and ~~he or she~~ **the person** has had 5 or more prior convictions for violating 1969 PA 287, MCL 287.331 to 287.340, the person is guilty of a felony punishable by imprisonment for not more than 2 years, ~~or~~ a fine of not more than \$5,000.00, or both.

(5) The court may order ~~a person~~ **an individual** convicted of violating subsection (2) to be evaluated to determine the need for psychiatric or psychological counseling and, if determined appropriate by the court, to receive psychiatric or psychological counseling. The evaluation and counseling ~~shall~~ **must** be at the defendant's own expense.

(6) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law arising out of the same transaction as the violation of this section.

(7) The court may order a term of imprisonment imposed for a violation of this section 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 the violation of this section.

(8) As a part of the sentence for a violation of subsection



(2), the court may order the defendant to pay **restitution, including, but not limited to, the costs of the investigation of the violation of this section, the costs of the prosecution, and the costs of the seizure, care, housing, and veterinary medical care, for and disposition of the animal victim**, as applicable. **The costs of the seizure, care, housing, veterinary medical care, and disposition of the animal victim should not be included in the sentence if they were previously paid by the defendant with a security deposit or bond as described in subsection (16), (18), (20), or (21).** 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 reason for that action. **As used in this subsection, "disposition of the animal victim" includes, but is not limited to, the transfer, euthanasia, or adoption of the animal.**

(9) As a part of the sentence for a violation of subsection (2), the court may, as a condition of probation, order the defendant not to own or possess an animal for a period of time not to exceed the period of probation. If a person is convicted of a second or subsequent violation of subsection (2), the court may order the defendant not to own or possess an animal for any period of time, including permanent relinquishment of animal ownership.

(10) A person ~~who~~**that** owns or possesses an animal in violation of an order issued under subsection (9) is subject to revocation of probation if the order is issued as a condition of probation. A person ~~who~~**that** owns or possesses an animal in violation of an order issued under subsection (9) 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



1 not more than 90 days, ~~or~~ a fine of not more than \$500.00, or both.

2 (11) As part of the sentence imposed under subsection (4)(e),  
3 the court may place the defendant on probation for any term of  
4 years, but not less than 5 years.

5 (12) This section does not prohibit the lawful killing or  
6 other use of an animal, including the following:

7 (a) Fishing.

8 (b) Hunting, trapping, or wildlife control regulated under the  
9 natural resources and environmental protection act, 1994 PA 451,  
10 MCL 324.101 to 324.90106.

11 (c) Horse racing.

12 (d) The operation of a zoological park or aquarium.

13 (e) Pest or rodent control regulated under part 83 of the  
14 natural resources and environmental protection act, 1994 PA 451,  
15 MCL 324.8301 to 324.8336.

16 (f) Farming or a generally accepted animal husbandry or  
17 farming practice ~~involving~~ **that involves** livestock.

18 (g) Scientific research under 1969 PA 224, MCL 287.381 to  
19 287.395.

20 (h) Scientific research or the lawful killing of an animal  
21 under sections 2226, 2671, 2676, and 7333 of the public health  
22 code, 1978 PA 368, MCL 333.2226, 333.2671, 333.2676, and 333.7333.

23 (i) The lawful killing or use of an animal under the animal  
24 industry act, 1988 PA 466, MCL 287.701 to 287.746.

25 (13) This section does not apply to a veterinarian or a  
26 veterinary technician lawfully engaging in the practice of  
27 veterinary medicine under part 188 of the public health code, 1978  
28 PA 368, MCL 333.18801 to 333.18838.

29 **(14) An animal control agency taking custody of an animal**



1 under subsection (3) shall give notice within 72 hours of the  
2 seizure of the animal in person or by registered mail to the last  
3 known address of the animal's owner, if the owner of the animal is  
4 known. If the owner of the animal is unknown, the animal control  
5 agency shall give notice within 72 hours after the seizure by 1 of  
6 the following methods:

7 (a) Posting at the location of the seizure.

8 (b) Delivery to an individual that resides at the location of  
9 the seizure.

10 (c) Registered mail to the location of the seizure.

11 (15) The notice required under subsection (14) must include  
12 all of the following:

13 (a) A description of each animal seized.

14 (b) The time, date, location, and description of circumstances  
15 under which the animal was seized.

16 (c) The address and telephone number of the location where or  
17 under what animal control agency's authority the animal is being  
18 held and contact information for the individual present at that  
19 location from whom security deposit or bond information may be  
20 obtained.

21 (d) A statement that the owner or possessor of the animal may  
22 post a security deposit or bond that may prevent the forfeiture of  
23 the animal for the duration of the criminal, forfeiture, or other  
24 court proceeding until the court makes a final determination  
25 regarding the animal's disposition; that failure to post a security  
26 deposit or bond within 14 days after the date on the notice will  
27 result in forfeiture of the animal; and that the owner or possessor  
28 of the animal may, before the expiration of the 14-day period  
29 described in this subdivision, request a hearing from the court



1 with jurisdiction over the alleged violation of subsection (2) on  
2 whether the requirement to post a security deposit or bond is  
3 justified, whether the cost associated with the security deposit or  
4 bond is fair and reasonable for the care of and provision for the  
5 seized animal as the costs are described under subsection (8), or  
6 both.

7 (e) A statement that the owner or possessor of the animal is  
8 responsible for all costs described in subsection (8), unless the  
9 court determines that the seizure of the animal was not  
10 substantially justified by law.

11 (16) A request for a hearing within 14 days after the date on  
12 the notice prevents forfeiture of the animal until the court  
13 determines whether the requirement to post a security deposit or  
14 bond is justified, whether the amount of the security deposit or  
15 bond is fair and reasonable, or both. Notice of a request for a  
16 hearing under subsection (15) must be served on the animal control  
17 agency holding the animal before the expiration of the 14-day  
18 period described in subsection (15). A hearing on whether the  
19 requirement to post a security deposit or bond is justified,  
20 whether the amount of the security deposit or bond is fair and  
21 reasonable, or both, must be held within 21 days of the request for  
22 the hearing. The hearing is before a judge without a jury and the  
23 prosecuting attorney has the burden to establish by a preponderance  
24 of the evidence that a violation of this section occurred. If the  
25 court finds that the prosecuting attorney has met the burden, that  
26 the security deposit or bond is fair and reasonable, or both, the  
27 animal will be forfeited to the animal control agency that seized  
28 the animal unless the owner or possessor of the animal posts the  
29 required security deposit or bond within 72 hours after the



1 hearing. The court shall consider the owner's or possessor's  
2 ability to pay as part of the court's finding of whether the amount  
3 of the security deposit or bond is fair and reasonable. For the  
4 purpose of determining the owner's or possessor's ability to pay  
5 only, the court shall consider the owner's or possessor's  
6 employment status, employment history, and financial history. An  
7 owner's or possessor's failure to appear at a scheduled hearing  
8 requested under this subsection will result in automatic forfeiture  
9 of the animal to the animal control agency if the date of the  
10 scheduled hearing is more than 14 days after the date on the notice  
11 described in subsection (15). The testimony of a defendant at a  
12 hearing held under this subsection is only admissible against the  
13 defendant for the purpose of impeachment or in a criminal  
14 prosecution for perjury. The testimony of a defendant at a hearing  
15 held under this subsection does not waive the defendant's  
16 constitutional right against self-incrimination.

17 (17) An animal control agency that holds or requires to be  
18 held a seized animal under subsection (3) shall hold the animal for  
19 a period of 14 consecutive days, including weekends and holidays,  
20 beginning on the date notice was given under subsection (14). After  
21 the expiration of the 14 days, if the owner or a possessor of the  
22 animal has not posted a security deposit or bond as provided in  
23 subsections (15) and (18) or requested a hearing as described in  
24 subsection (16), the animal is forfeited, and the animal control  
25 agency may dispose of the animal by transfer to another animal  
26 control agency, humane euthanasia, or adoption.

27 (18) The security deposit or bond described in subsection  
28 (15)(d) must be in a sufficient amount to secure payment of all  
29 costs described in subsection (8) during a 30-day period after

1 examination of the animal by a licensed veterinarian. The animal  
2 control agency shall determine the amount of the security deposit  
3 or bond not later than 72 hours after the seizure of the animal and  
4 shall make the amount of the security deposit or bond available to  
5 the owner or possessor of the animal on request. Unless the owner  
6 or possessor of the animal requests a hearing as described in  
7 subsection (16), the owner or possessor of the animal shall provide  
8 proof of the security deposit or bond to the animal control agency  
9 not later than 14 days after the date on the notice described in  
10 subsection (15).

11 (19) An animal control agency that holds or requires to be  
12 held a seized animal as provided in this section may draw on a  
13 security deposit or bond posted under subsection (16), (18), (20)  
14 or (21) to cover the actual reasonable costs incurred as described  
15 in subsection (8) from the date of the seizure to the date of the  
16 official disposition of the animal in the criminal action.

17 (20) If an animal is seized and is being held by an animal  
18 control agency or an animal control agency's designee pending the  
19 outcome of a criminal action charging a violation of this section  
20 and the process in subsections (14) to (18) was not utilized,  
21 before final disposition of the criminal charge, the prosecuting  
22 attorney may file a civil action in the court that has jurisdiction  
23 of the criminal action requesting that the court issue an order to  
24 forfeit the animal to the animal control agency before final  
25 disposition of the criminal charge. The prosecuting attorney shall  
26 serve a true copy of the summons and complaint on the defendant  
27 owner or possessor of the animal. On the filing of the civil  
28 action, the court shall set a hearing on the complaint. The hearing  
29 must be conducted within 21 days of the filing of the civil action.



1 The hearing must be before a judge without a jury. At the hearing,  
2 the prosecuting attorney has the burden of establishing by a  
3 preponderance of the evidence that a violation of this section  
4 occurred. If the court finds that the prosecuting attorney has met  
5 the burden and that the amount of the security deposit or bond  
6 necessary to prevent the forfeiture of the animal from the date of  
7 the seizure to 30 days after the date of the hearing is fair and  
8 reasonable based on costs described in subsection (8), the court  
9 shall order immediate forfeiture of the animal to the animal  
10 control agency unless the defendant owner or possessor, within 72  
11 hours after the hearing, submits to the court clerk a security  
12 deposit or bond in a sufficient amount to secure payment of all  
13 costs described in subsection (8) after examination of the animal  
14 by a licensed veterinarian from the date of the seizure to the date  
15 of the hearing and for an additional period of 30 days. The court  
16 shall consider the owner's or possessor's ability to pay as part of  
17 the court's finding of whether the amount of the security deposit  
18 or bond is fair and reasonable. For the purpose of determining the  
19 owner's or possessor's ability to pay only, the court shall  
20 consider the owner's or possessor's employment status, employment  
21 history, and financial history. A defendant owner or possessor's  
22 failure to post a security deposit or bond within 72 hours after  
23 the hearing or the defendant owner or possessor's failure to appear  
24 at a scheduled hearing under this subsection will result in  
25 automatic forfeiture of the animal to the animal control agency.  
26 The testimony of a defendant at a hearing held under this  
27 subsection is only admissible against the defendant for the purpose  
28 of impeachment or in a criminal prosecution for perjury. The  
29 testimony of a defendant at a hearing held under this subsection





1 does not waive the defendant's constitutional right against self-  
2 incrimination.

3 (21) If a security deposit or bond has been posted under  
4 subsection (16), (18), or (20), and trial in the criminal action  
5 does not occur within the initial 30-day bond period or is  
6 continued to a later date, the owner or possessor shall post an  
7 additional security deposit or bond in an amount determined  
8 sufficient to cover the costs described in subsection (8) as  
9 anticipated to be incurred by the animal control agency caring for  
10 the animal. The additional security deposit or bond must be  
11 calculated in 30-day increments and continue until the criminal  
12 action is resolved. If the owner or possessor of the animal fails  
13 to post a new security deposit or bond with the court before the  
14 previous security deposit or bond expires, the animal is forfeited  
15 to the animal control agency caring for the animal.

16 (22) If the owner or possessor that posted a security deposit  
17 or bond under subsection (16), (18), (20), or (21) is found not  
18 guilty in the criminal action, the amount of the security deposit  
19 or bond posted to prevent disposition of the animal if unused for  
20 the animal cost of care and, subject to subsections (23), (24), and  
21 (25), the animal must be returned to the owner.

22 (23) If a security deposit or bond is posted by an owner or  
23 possessor of an animal under subsection (16), (18), (20), or (21)  
24 and the court determines that the animal lacks any useful purpose  
25 or poses a threat to public safety under subsection (25), the  
26 posting of the security deposit or bond does not prevent  
27 disposition of the animal.

28 (24) Upon receiving an animal seized under this section, or at  
29 any time thereafter, an animal control agency may humanely



1 euthanize the animal or have the animal euthanized if, in the  
2 opinion of a licensed veterinarian, the animal is injured or  
3 diseased past recovery or the animal's continued existence is  
4 inhumane so that euthanasia is necessary to relieve pain and  
5 suffering. This subsection applies to an animal regardless of  
6 whether a security deposit or bond has been posted under subsection  
7 (16), (18), (20), or (21).

8 (25) An animal control agency that receives an animal seized  
9 under this section may apply to the district court or municipal  
10 court for a hearing to determine whether the animal must be  
11 humanely euthanized because of the animal's lack of any useful  
12 purpose or the public safety threat it poses. The court shall hold  
13 a hearing not later than 30 days after the filing of the  
14 application and shall give notice of the hearing to the owner of  
15 the animal. Upon a finding by the court that the animal lacks any  
16 useful purpose or poses a threat to public safety, the animal  
17 control agency shall humanely euthanize the animal or have the  
18 animal euthanized. Costs described in subsection (8) that are  
19 incurred by an animal control agency, or by a person may, in the  
20 court's discretion, be assessed against the owner of the animal.