



**House.
Legislative
Analysis
Section**

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PIT BULL TERRIERS

Senate Bill 269 (Substitute H-2)
First Analysis (5-5-88)

RECEIVED

Sponsor: Senator Joseph S. Mack
Senate Committee: Regulatory Affairs
House Committee: Judiciary

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THE APPARENT PROBLEM:

The dogs commonly known as pit bulls, including the American Pit Bull Terrier (recognized by the United Kennel Club), the American Staffordshire Terrier (recognized by the American Kennel Club), and related breeds and mixes, have a widespread reputation for viciousness. Originally bred for bull baiting and subsequently for dog fighting, the dogs are characterized by traits valuable in the ring: unpredictability, gameness (that is, the willingness to initiate fights and continue fighting in the face of injury or an opponent's signs of submission), strength, and tenacity. Many reports attribute to pit bulls a disproportionate share of serious dog attacks on humans. One tragic incident occurred in June 1986 in the Upper Peninsula, where a toddler was killed by a dog identified as a pit bull. Many believe that the characteristics of pit bulls warrant special regulation under the law.

THE CONTENT OF THE BILL:

The bill would create "The American Pit Bull Terrier Act," enacting certain requirements and establishing penalties regarding the ownership of American Pit Bull Terriers. The bill would define an American Pit Bull Terrier to be an American Staffordshire Terrier, a Staffordshire Bull Terrier, and an American Pit Bull Terrier, whether registered or not with the United Kennel Club, the American Kennel Club, or the American Dog Breeders Association. Under the bill it would be:

- a felony to fail to license the dog as required by the Dog Law within 48 hours after acquiring it;
- a misdemeanor to fail to breed a pit bull without first obtaining a \$100 breeder's license as required by the bill (NOTE: the bill merely specifies obtaining a license from "the department", without naming that department; presumably, this would be the Department of Agriculture, which has the administrative responsibility for the Dog Law);
- a misdemeanor punishable by up to one year in jail and a fine of up to \$500 to fail to provide a secure enclosure for the dog; and,
- a misdemeanor to allow a pit bull to be walked or exercised by a person under 18 years of age.

HOUSE COMMITTEE ACTION:

The House Judiciary Committee adopted a substitute bill that differed from the Senate version in, among other things, its definition of American Pit Bull Terrier, and its deletion of requirements for liability insurance and a statewide registry for such dogs.

FISCAL IMPLICATIONS:

Fiscal information is not available.

ARGUMENTS:

For:

Pit bulls account for more than their share of dog attacks, and those attacks tend to be more serious than incidents involving other types of dogs. Exhibiting the fighting characteristics for which they were selectively bred, they tend to attack without warning or provocation, with great strength, and with tenaciousness. Their reputation is well-deserved and justifies special regulation of the ownership of these dogs so that the public is adequately protected.

Against:

Pit bull ownership should be subjected to more controls that the bill would provide. As passed by the Senate, the bill would have required registration with the Department of Agriculture, proof of \$100,000 liability insurance for damages caused by the dog, identifying photographs of the dog, and records on ownership transfers. Such provisions should be restored to the bill as a means of ensuring responsible ownership of these dangerous creatures.

Response: The liability insurance requirement was widely perceived to be unfulfillable, thus making the Senate-passed bill an indirect means of outlawing pit bulls.

Against:

The bill would be unenforceable. For one thing, it is fatally flawed in concept: it is unworkable to attempt special regulation for a particular breed of dog. While one can legally define a species and regulate it, breeds are constantly evolving and are too vaguely defined to allow special regulation. To attempt this regulation by identifying a dog by a recognized registry name would merely deter people from registering the dog or claiming purebred status for it. If a type of dog cannot be adequately defined by law, criminal charges against its owner for violations of breed-specific regulations cannot be sustained. For one thing, criminal charges must be brought under a clear-cut law, and the bill would be impermissibly vague. Further, pit bull enthusiasts believe that their dogs would be singled out unjustifiably, and thus the bill could also be held to be impermissibly discriminatory. Finally, even if courts upheld the bill on its face, the bill would be easily circumvented by anyone who wished to claim that his or her dog was not a pit bull.

Against:

The bill would not apply to mixed breeds, yet there are strong indications that many, if not most, of the reported "pit bull" attacks were by mixed breeds. Private inquiries by various investigators indicate that few, if any, purebred or registered dogs were involved in reported attacks. Further, the propensity to attack humans is not something

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for which pit bull terriers were selectively bred; on the contrary, these dogs historically were bred for trustworthiness around ring handlers in conjunction with aggressiveness against animals. Many believe that the contamination of purebred lines with other breeds, particularly with guard breeds such as Rottweilers which were bred for aggressiveness against humans, is largely responsible for the production of apparent "pit bulls" that attack humans.

Response: A person could own a pit bull crossbreed without realizing it. It would be unfair to subject that person to criminal sanctions for failing to meet the bill's requirements for pit bull ownership.

Against:

The bill would not operate as a deterrent to irresponsible owners. Rather, it would impose additional burdens on responsible dog owners.

Against:

New laws regulating dogs and their owners are not needed as much as adequate funding for better enforcement of existing laws. Certainly, if new laws are to be enacted, there should be some recognition of the need for increased resources to enforce them.

Against:

Pit bull enthusiasts believe that the bill would unfairly single out pit bull terriers and related breeds. Misidentification in dog bite reports is common, and media-induced hysteria has created a tendency to identify a biting dog as a pit bull. While pit bulls were originally bred for fighting characteristics, aggressiveness against humans was a trait for which a dog would be culled from breeding stock. Further, many lines have since the turn of the century been bred not for fighting stock, but for family pets. Pit bull owners assert that their dogs are gentle and trustworthy.

POSITIONS:

The Department of Agriculture supports the bill. (5-4-88)

The Michigan Animal Control Officers Association opposes the bill. (5-3-88)

The Michigan Association for Pure Bred Dogs, Inc., opposes the bill. (5-3-88)

The United Kennel Club opposes the bill. (5-3-88)

The Michigan Humane Society opposes the bill. (5-4-88)