

Act No. 334
Public Acts of 1994
Approved by the Governor
October 18, 1994
Filed with the Secretary of State
October 18, 1994

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1994**

Introduced by Senator Bouchard

ENROLLED SENATE BILL No. 189

AN ACT to amend section 50 of Act No 328 of the Public Acts of 1931 entitled as amended An act to revise consolidate codify and add to the statutes relating to crimes to define crimes and prescribe the penalties therefor to provide for restitution under certain circumstances to provide for the competency of evidence at the trial of persons accused of crime to provide immunity from prosecution for certain witnesses appearing at such trials and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act as amended by Act No 204 of the Public Acts of 1988 being section 750 50 of the Michigan Compiled Laws

The People of the State of Michigan enact

Section 1 Section 50 of Act No 328 of the Public Acts of 1931 as amended by Act No 204 of the Public Acts of 1988 being section 750 50 of the Michigan Compiled Laws is amended to read as follows

Sec 50 (1) As used in this section and section 50b

(a) Adequate care means the provision of sufficient food water shelter sanitary conditions and veterinary medical attention in order to maintain an animal in a state of good health

(b) Animal means any vertebrate other than a human being

(c) Livestock has the meaning attributed to the term in the animal industry act of 1987 Act No 466 of the Public Acts of 1988 being sections 287 701 to 287 747 of the Michigan Compiled Laws

(d) Person means an individual partnership limited liability company corporation association governmental entity or other legal entity

(e) Neglect means to fail to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized

(f) Sanitary conditions means space free from health hazards including excessive animal waste overcrowding of animals or other conditions that endanger the animal's health This definition does not include a condition resulting from a customary and reasonable practice pursuant to farming or animal husbandry

(g) Shelter means adequate protection from the elements suitable for the age and species of animal and weather conditions to maintain the animal in a state of good health including structures or natural features such as trees and topography

(h) State of good health means freedom from disease and illness and in a condition of proper body weight and temperature for the age and species of the animal unless the animal is undergoing appropriate treatment

(i) Water means potable water that is suitable for the age and species of animal made regularly available unless otherwise directed by a veterinarian licensed to practice veterinary medicine

(2) An owner possessor or person having the charge or custody of an animal shall not do any of the following

(a) Fail to provide an animal with adequate care

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

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

(d) Carry or cause to be carried a live animal in or upon a vehicle or otherwise without providing a secure space rack car crate or cage in which livestock may stand and in which all other animals may stand turn around and lie down during transportation or while awaiting slaughter As used in this subdivision for purposes of transportation of sled dogs stand means sufficient vertical distance to allow the animal to stand without its shoulders touching the top of the crate or transportation vehicle

(e) Abandon an animal or cause an animal to be abandoned in any place without making provisions for the animal's adequate care unless premises are temporarily vacated for the protection of human life during a disaster An animal that is lost by an owner or custodian while traveling walking hiking or hunting shall not be regarded as abandoned under this section when the owner or custodian has made a reasonable effort to locate the animal

(f) Willfully or negligently allow any animal including one who is aged diseased maimed hopelessly sick disabled or nonambulatory to suffer unnecessary neglect torture or pain

(3) A person who violates subsection (2) is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or by a fine of not more than \$1 000 00 or community service not to exceed 200 hours or any combination of these penalties

(4) As a part of the sentence for a violation of subsection (2) the court may order the defendant to pay the costs of the prosecution and the costs of the care housing and veterinary medical care for the animal as applicable 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

(5) 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

(6) A person who owns or possesses an animal in violation of an order issued under subsection (5) is subject to revocation of probation

(7) This section does not prohibit the lawful use of an animal including but not limited to the following

(a) Fishing

(b) Hunting trapping or wildlife control

(c) Horse racing

(d) The operation of a zoological park or aquarium

(e) Pest or rodent control

(f) Scientific research

(g) Farming or animal husbandry

Section 2 This amendatory act shall take effect April 1 1995

Secretary of the Senate

Co Clerk of the House of Representatives

Approved

Governor