



# SENATE BILL No. 189

January 26, 1993, Introduced by Senator BOUCHARD and referred to the Committee on Judiciary.

A bill to amend section 50 of Act No. 328 of the Public Acts of 1931, entitled as amended

"The Michigan penal code,"

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:

1 Section 1. Section 50 of Act No. 328 of the Public Acts of  
2 1931, as amended by Act No. 204 of the Public Acts of 1988, being  
3 section 750.50 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 50. (1) AS USED IN THIS SECTION:

6 (A) "ADEQUATE CARE" MEANS PROVIDING SUFFICIENT FOOD, WATER,  
7 SHELTER, AND MEDICAL ATTENTION TO AN ANIMAL TO MAINTAIN THE  
8 ANIMAL IN A STATE OF GOOD HEALTH.

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1 (B) "ANIMAL" MEANS A VERTEBRATE OTHER THAN A HUMAN BEING.

2 (C) "EUTHANASIA" MEANS THE HUMANE DESTRUCTION OF AN ANIMAL  
3 ACCOMPLISHED BY A METHOD THAT RESULTS IN INSTANTANEOUS UNCON-  
4 SCIOUSNESS AND IMMEDIATE DEATH, OR BY A METHOD INVOLVING ANESTHE-  
5 SIA PRODUCED BY AN AGENT THAT CAUSES PAINLESS LOSS OF CONSCIOUS-  
6 NESS AND DEATH DURING THE LOSS OF CONSCIOUSNESS, INCLUDING EUTHA-  
7 NASIA PRACTICED IN ACCORDANCE WITH THE FEDERAL HUMANE SLAUGHTER  
8 ACT AND THE AMERICAN VETERINARY MEDICAL ASSOCIATION'S EUTHANASIA  
9 GUIDELINES FOR THE USE OF CAPTIVE BOLT PISTOLS AND GUNS.

10 (D) "LIVESTOCK" MEANS THAT TERM AS DEFINED IN SECTION 5 OF  
11 THE ANIMAL INDUSTRY ACT OF 1987, ACT NO. 466 OF THE PUBLIC ACTS  
12 OF 1988, BEING SECTION 287.705 OF THE MICHIGAN COMPILED LAWS.

13 (E) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,  
14 ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

15 (2) An owner, possessor, or person having the charge or cus-  
16 tody of an animal ~~, who cruelly drives or works the animal when~~  
17 ~~the animal is unfit for labor, or who carries or causes~~ SHALL  
18 NOT DO ANY OF THE FOLLOWING:

19 (A) CRUELLY DRIVE OR WORK AN ANIMAL.

20 (B) CARRY OR CAUSE to be carried ~~on~~ IN or upon a vehicle  
21 or otherwise any live animal having the feet or legs tied togeth-  
22 er, ~~or~~ OTHER THAN AN ANIMAL BEING TRANSPORTED FOR MEDICAL CARE,  
23 OR OTHER LIVE ANIMAL in any other cruel and ~~inhuman~~ INHUMANE  
24 manner. ~~, or shall carry~~

25 (C) CARRY or cause to be carried a live animal in or upon a  
26 vehicle or otherwise without providing a suitable rack, car,  
27 crate, or cage, in which the animal, IF IT IS AN ANIMAL OTHER

1 THAN LIVESTOCK, may stand, ~~or~~ TURN AROUND, AND lie down during  
2 transportation, ~~and~~ OR while awaiting slaughter ~~, or who shall~~  
3 ~~abandon~~ OR, IF THE ANIMAL IS LIVESTOCK, IN WHICH THE ANIMAL MAY  
4 STAND AND LIE DOWN DURING TRANSPORTATION OR WHILE AWAITING  
5 SLAUGHTER.

6 (D) ABANDON an animal, in any place, without making provi-  
7 sions for the animal's adequate care. ~~, or who shall willfully~~  
8 THIS SUBDIVISION DOES NOT APPLY IF PREMISES ARE TEMPORARILY  
9 VACATED FOR THE PROTECTION OF HUMAN LIFE DURING A NATURAL  
10 DISASTER.

11 (E) WILLFULLY or negligently ~~permit and~~ allow an aged,  
12 diseased, maimed, hopelessly sick, ~~or~~ disabled, ~~animal~~ OR  
13 NONAMBULATORY ANIMAL to suffer unnecessary torture or pain. ~~or~~  
14 ~~is guilty of a misdemeanor. "Adequate care" means the provision~~  
15 ~~of sufficient food, water, shelter, and medical attention in~~  
16 ~~order to maintain an animal in a state of good health.~~

17 (3) A PERSON WHO VIOLATES SUBSECTION (2) IS GUILTY OF A MIS-  
18 DEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR  
19 A FINE OF NOT LESS THAN \$500.00, OR BOTH, AND SHALL BE ORDERED BY  
20 THE COURT TO PERFORM NOT LESS THAN 120 HOURS OF COMMUNITY SERVICE  
21 WORK. THE COURT MAY ORDER THE INDIVIDUAL NOT TO OWN AN ANIMAL  
22 FOR ANY PERIOD OF TIME DETERMINED BY THE COURT UP TO AND INCLUD-  
23 ING PERMANENT RELINQUISHMENT.

24 (4) A PERSON SHALL NOT WILLFULLY AND CRUELLY KILL, MAIM,  
25 MUTILATE, OR SEXUALLY ASSAULT ANY ANIMAL. A PERSON WHO VIOLATES  
26 THIS SUBSECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY  
27 IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT LESS THAN

1 \$1,000.00, OR BOTH, AND THE COURT SHALL ORDER THE PERSON TO  
2 PERFORM NOT LESS THAN 240 HOURS OF COMMUNITY SERVICE WORK. THE  
3 COURT MAY ORDER THE INDIVIDUAL NOT TO OWN AN ANIMAL FOR ANY  
4 PERIOD OF TIME DETERMINED BY THE COURT UP TO AND INCLUDING PER-  
5 MANENT RELINQUISHMENT.

6 (5) THE COURT SHALL ORDER A PERSON CONVICTED OF VIOLATING  
7 SUBSECTION (3) OR (4) TO PAY THE REASONABLE COSTS OF VETERINARY  
8 CARE AND HOUSING FOR EACH ANIMAL THAT IS THE SUBJECT OF THE PROS-  
9 ECUTION DURING ITS RECOVERY OR RELINQUISHMENT PERIOD, OR FOR A  
10 REASONABLE TIME AFTER THE RECOVERY PERIOD FOR PLACEMENT WITH A  
11 SUITABLE OWNER IF PERMANENT RELINQUISHMENT IS ORDERED BY THE  
12 COURT.

13 (6) THE COURT SHALL ORDER A PERSON CONVICTED OF VIOLATING  
14 SUBSECTION (3) OR (4) TO PAY THE COSTS OF PROSECUTION.

15 (7) THE COURT MAY ORDER AN INDIVIDUAL CONVICTED OF VIOLATING  
16 SUBSECTION (3) OR (4) TO RECEIVE MENTAL HEALTH TREATMENT.