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ANIMAL FIGHTING

House Bills 4655 and 4656
Sponsor: Rep. Gerald Law
Committee: Judiciary and Civil Rights

Complete to 5-8-95

A SUMMARY OF HOUSE BILLS 4655 AND 4656 AS INTRODUCED 3-21-95

House Bill 4655. The Michigan Penal Code (MCL 750.49) makes it a felony to conduct or participate in animal ("bull, bear, dog, or other animal") fighting or baiting or to use animals for target shooting. In addition to imprisonment and criminal fines for violations, the act also requires the forfeiture to the state of animals, equipment, devices, and money involved in animal fighting violations. People who conduct animal fights (including those who own the animals, organize or conduct the fight, or allow the use of a place for the fight) are guilty of a felony punishable by imprisonment for up to 4 years, a fine of up to \$5,000, or both. People present at animal fights and people who trade in (breed, buy, sell, exchange, import, or export) dogs (or their offspring) used for fighting are guilty of a felony punishable by imprisonment for up to 4 years, a fine of up to \$2,000, or both.

The bill would refer to "an animal" (defined as "a vertebrate other than a human"), instead of referring to "a bull, bear, dog, or other animal" or to "dogs"; add certain activities involving animals to a list of prohibited activities; increase maximum fines and add mandatory minimum fines and community service for violations; allow courts to order violators to pay the costs of prosecution and for housing and caring for the animals involved; and make firearms and motor vehicles used in violations subject to forfeiture.

Prohibited activities. The bill would specifically prohibit people from "knowingly" engaging in certain activities involving animal fighting, baiting, and shooting. The list of prohibited activities would expand the current list of felonies to include prohibitions against (a) offering to buy or sell, import, or export animals for fighting, baiting, or shooting (in addition to the current prohibition against owning, possessing, keeping, or using animals for these purposes); (b) organizing, promoting, or collecting money for animal fighting, baiting, or shooting; and (c) owning, possessing, using, offering to buy or sell, transporting, or delivering "any device or equipment intended for use in the fighting, baiting, or shooting of an animal."

The bill also explicitly would not prohibit someone who committed other violations while violating the prohibitions against animal fighting from being charged with, convicted of, or punished for these other violations.

Criminal penalties. The bill generally would increase the existing criminal penalties for animal fighting. For those who participated in organizing or conducting animal fights (by owning one of the animals, obtaining or permitting the use of a place for a fight, or organizing, promoting, or collecting the money for a fight), the bill would keep the existing

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maximum imprisonment of four years, but would set a minimum fine of \$5,000 and increase the maximum allowable fine to \$50,000; and add possible community service of at least 500 hours and not more than 1,000 hours. For people who otherwise participate in animal fights (by attending a fight, by breeding or selling fighting animals, or by trafficking in fight equipment), the bill would keep the maximum four years imprisonment, but would set a minimum fine of \$1,000 and increase the maximum fine to \$5,000 (from \$2,000), and add possible community service of not less than 250 hours nor more than 500 hours.

In addition, the bill would allow the court to order convicted violators to pay the costs of prosecution and the costs for housing and caring for the animal (including, but not limited to, providing veterinary treatment).

Forfeiture. Currently, all animals, equipment, devices, and money involved in animal fighting are subject to forfeiture. The bill would add that all firearms and motor vehicles involved in violations also would be subject to forfeiture under Chapter 47 of the Revised Judicature Act.

Other provisions. The bill would specify that it wouldn't prohibit owning, breeding, selling, buying, exchanging, importing, or exporting fowl for agricultural or agricultural exposition purposes.

The bill also would make a number of language changes (substituting "guide dog association" for "leader dog associations," and "local governmental control shelters" for "animal welfare agencies."), and would amend existing provisions regarding dogs trained or used for fighting, or their offspring, that attack and kill or injure people, to specify that these provisions would apply to "animals" trained or used for fighting or their "first or second generation" offspring.

Finally, currently this chapter of the penal code exempts from its provisions conduct that is permitted by, and in compliance with, the Game Law of 1929 (Public Act 286 of 1929), the game breeder's act (Public Act 191 of 1929), and the Michigan State Parks System Act (Public Act 134 of 1957). The bill would delete the references to the Game Law and the Michigan State Parks System Act and add references to the Wildlife Conservation Act (Public Act 256 of 1988) and to the Hunting and Fishing License Act (Public Act 85 of 1980).

House Bill 4656 would amend the Revised Judicature Act (MCL 600.4701) to include property used in animal fights to the act's criminal forfeiture provisions.

Tie-bar. The bills are tie-barred to each other.