



Senate Fiscal Agency
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BILL



ANALYSIS

Telephone: (517) 373-5383
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Senate Bill 578 (as reported without amendment)
Sponsor: Senator Dale L. Shugars
Committee: Local, Urban and State Affairs

Date Completed: 1-16-96

RATIONALE

Although dog racing is not specifically allowed in Michigan, it is not specifically prohibited either. The Michigan Penal Code makes it a misdemeanor to race any animal "for any bet or stakes, in money, goods or other valuable thing", except as allowed by law (MCL 750.331). This offense is punishable by imprisonment in jail for up to one year or a maximum fine of \$500. It has been suggested that those who engage in illegal dog racing should be subject to a more severe civil penalty, which would make enforcement easier and provide a greater disincentive to would-be violators. In addition, since the Penal Code prohibits racing animals only if gambling is involved, this provision does not outlaw public exhibitions in which animals are raced--as may be found at State or county fairs. Also, since some other states do allow dog racing, it has been suggested that Michigan should prohibit the interstate simulcasting of dog races.

CONTENT

The bill would create a new act to prohibit a person from holding, conducting, or operating dog racing for public exhibition. In addition, a person would be prohibited from transmitting or receiving interstate simulcasting of dog racing for commercial purposes. A person who violated the act would be subject to a civil fine of at least \$7,500.

The bill would define "person" as an individual, partnership, corporation, limited liability company, association, governmental entity, or other legal entity. "Simulcast" would mean the live transmission into the State of video or audio signals conveying a dog race held outside the State.

The bill specifies that it would not preclude prosecution under the Michigan Penal Code.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The existing Penal Code prohibition against racing animals for money apparently is inadequate to prevent "underground tracks", which reportedly exist in the Flint and Muskegon areas. Moreover, if anyone were caught and convicted, he or she would be subject only to a relatively mild penalty. This gives law enforcement little incentive to prosecute offenders and gives offenders little incentive to obey the law. Furthermore, the law does not prohibit dog racing when money is not involved. The bill would address these points by establishing a stiff civil fine for conducting dog racing for public exhibition, or for engaging in the interstate simulcasting of dog racing for commercial purposes. A civil action would involve a lower burden of proof and be easier to enforce, and a violator still could be criminally prosecuted.

Legislative Analyst: S. Margules

FISCAL IMPACT

Based on past experience, there have been no prosecutions for dog racing or simulcasting of dog races in Michigan. The bill would have no fiscal impact.

Fiscal Analyst: M. Bain

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.