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BILL



ANALYSIS

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House Bill 4655 (Substitute H-2)  
House Bill 4656 (Substitute H-1)  
Sponsor: Representative Gerald Law  
House Committee: Judiciary and Civil Rights  
Senate Committee: Agriculture and Forestry

Date Completed: 10-16-95

**SUMMARY OF HOUSE BILLS 4655 (Substitute H-2) and 4656 (Substitute H-1) as passed by the House:**

**House Bill 4655 (H-2) would amend the Michigan Penal Code to do all of the following:**

- Prohibit certain activities related to the fighting, baiting, or target shooting of an "animal" rather than a "bull, bear, dog, or other animal". ("Animal", under the bill, would mean a vertebrate other than a human.)
- Increase the maximum fines for animal fighting offenses, and specifically allow community service as part of a felony punishment for those offenses.
- Allow a sentencing court to order an offender to pay prosecution costs and costs of caring for an animal.
- Specify that, in addition to animals, equipment, devices, and money involved in an animal fighting violation, all other instrumentalities, proceeds, and substituted proceeds of those violations would be subject to forfeiture under the Revised Judicature Act.
- Extend criminal penalties pertaining to the ownership of a dog trained or used for fighting to the ownership of an animal trained or used for fighting.
- Delete provisions subjecting the owners of certain dogs to felony penalties when a person other than the owner incites a dog to attack another person.

**House Bill 4656 (H-1) would amend Chapter 47 of the Revised Judicature Act (RJA), which provides for the seizure and forfeiture of property that was the instrumentality or proceeds of certain criminal activities, to include the Michigan Penal Code's animal fighting violations within the list of crimes subject to forfeiture proceedings.**

The bills are tie-barred and would take effect on October 1, 1995.

A more detailed description of House Bill 4655 (H-2) follows.

**Animal Fighting Violations and Penalties**

Currently, the Penal Code provides that it is a felony, punishable by up to four years' imprisonment, a maximum fine of \$5,000, or both, for a person to do any of the following:

- Own, possess, keep, or use a bull, bear, dog, or other animal for the purpose of fighting or baiting, or as a target to be shot at as a test of skill in marksmanship.
- Be a party to or cause the fighting, baiting, or target shooting of a bull, bear, dog, or other animal.
- Rent or otherwise obtain the use of a building, shed, room, yard, ground, or premises for the purpose of fighting, baiting, or target shooting of a bull, bear, dog, or other animal.
- Permit the use of a building, shed, room, yard, ground, or premises belonging to the person or under his or her control for any fighting, baiting, or target shooting of a bull, bear, dog, or other animal.

Under the bill, those offenses would apply to an "animal" rather than to a "bull, bear, dog, or other animal". The bill also would prohibit organizing, promoting, or collecting money for the fighting, baiting, or target shooting of an animal. The offenses would be punishable by up to four years' imprisonment, a fine of not less than \$5,000 or more than \$50,000, and/or not less than 500 or more than 1,000 hours of community service.

In addition, it is a felony under the Code, punishable by up to four years' imprisonment and/or a maximum fine of \$2,000, for a person to do any of the following:

- Be present at a building, shed, room, yard, ground, or premises where preparations are being made for an exhibition of fighting, baiting, or target shooting of a bull, bear, dog, or other animal or be present at such an exhibition, knowing that an exhibition is taking place or about to take place.
- Knowingly breed, sell, buy, exchange, import, or export a dog that has been trained or used for fighting.
- Knowingly breed, sell, buy, exchange, import, or export the offspring of a dog that has been trained or used for fighting.

Under the bill, those offenses would apply an "animal" rather than to specific species of animals. The bill specifies that the prohibition against breeding, buying, selling, exchanging, importing, or exporting an animal, or the offspring of an animal, that the person knew had been trained or used for fighting would not prohibit the owning, breeding, buying, selling, exchanging, importing, or exporting of an animal for agricultural or agricultural exposition purposes. The bill also would prohibit owning, possessing, using, buying, selling, offering to buy or sell, transporting, or delivering any device or equipment intended for use in the fighting, baiting, or target shooting of an animal. The offenses would be punishable by up to four years' imprisonment, a fine of not less than \$1,000 or more than \$5,000, and/or not less than 250 or more than 500 hours of community service.

Under the bill, a court could order a person convicted of any of the offenses described above to pay the costs of prosecution. In addition, the court could order a person to pay the costs for housing and caring for the animal involved, including, but not limited to, providing veterinary medical treatment.

The bill specifies that this section of the Penal Code would not prohibit a person from being charged with, convicted of, or punished for any other violation of law that was committed by that person while violating this section.

### Forfeiture

The Code requires that all animals, equipment, devices, and money involved in a fighting, baiting, or target shooting violation be forfeited to the State. The bill provides, in addition, that all other

instrumentalities, proceeds, and substituted proceeds of a violation would be subject to the RJA's forfeiture provisions.

### Dog Ownership Provisions

Under the Code, it is a felony for the owner of a dog trained or used for fighting or a dog that is the offspring or descendant of such a dog to incite the dog to attack a person. An owner also is subject to criminal charges if a dog trained or used for fighting or a dog that is the offspring or descendant of such a dog attacks a person without provocation, goes beyond the owner's property limits without being securely restrained, or is not securely enclosed or restrained on the owner's property. The bill, instead, would apply all of these offenses to an "animal" trained or used for fighting or an animal that was the first or second generation of such an animal, and would extend liability to any person, rather than the owner.

The bill would delete provisions making an owner of a dog trained or used for fighting, or the offspring or descendant of such a dog, subject to felony charges if a person other than the owner incites the dog to attack another person.

MCL 750.49 (H.B. 4655)  
600.4701 (H.B. 4656)

Legislative Analyst: P. Affholter

### **FISCAL IMPACT**

The bills would likely have a minimal fiscal impact, if any, on State and local government. The addition of community service as a sanctioning option for violators could increase supervision costs at the local and/or State level. The additional fines also could generate additional revenue. There are no reliable data at present, however, that might indicate how many offenders might be subject to the increased penalties in House Bill 4655 (H-2).

Fiscal Analyst: M. Hansen

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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.