



**Senate Fiscal Agency**  
P. O. Box 30036  
Lansing, Michigan 48909-7536

BILL



ANALYSIS

**Telephone: (517) 373-5383**  
**Fax: (517) 373-1986**

House Bill 5561 (Substitute H-3 as reported without amendment)

Sponsor: Representative John Jellema

House Committee: Judiciary and Civil Rights

Senate Committee: Agriculture and Forestry

## **CONTENT**

The bill would amend the Michigan Penal Code to do the following:

- Allow a prosecuting attorney to file a petition for forfeiture of an animal to a dog pound, animal shelter, or veterinarian before the final disposition of a criminal action for certain animal cruelty violations.
- Specify that forfeiture would be subject to the interest of someone who held a security interest in the animal if that person did not have prior knowledge of, or consent to, the commission of the crime.
- Provide that a second animal cruelty violation would be a felony punishable by imprisonment for up to two years, a maximum fine of \$2,000, community service for up to 300 hours, or any combination of these penalties and the cost of prosecution.
- Provide that a third or subsequent violation would be punishable by imprisonment for up to four years, a maximum fine of \$5,000, community service for up to 500 hours, or any combination of these penalties and the cost of prosecution.
- Authorize a court to order relinquishment for any period of time, or permanent relinquishment, of animal ownership or possession as a condition of probation for a second or subsequent animal cruelty violation.
- Revise provisions that permit specific lawful uses of animals.

MCL 750.50

Legislative Analyst: S. Margules

## **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State government.

The enhanced penalties for repeat offenders as proposed by the bill, could result in additional prison commitments to the Department of Corrections. While the bill would allow up to four years in prison, the judge also could sentence these individuals to jail or other local sanctions that would not result in increased State costs. There are currently no available data that might indicate the potential number of repeat offenders.

The bill would have no fiscal impact on the courts.

Date Completed: 11-13-96

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.