

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

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 754 (Substitute S-3 as passed by the Senate)
Sponsor: Senator Bev Hammerstrom
Committee: Families, Mental Health and Human Services

Date Completed: 1-26-00

RATIONALE

The Michigan Senate S.A.F.E. Schools Task Force was established in 1999 to research and compile information on school safety, and to increase awareness and share information on this issue. The task force held several hearings, at which professionals in the fields of education, law enforcement, and psychology made presentations. A representative of the Michigan Psychological Association (MPA) addressed the behavioral warning signs of children who are prone to violence, and indicated that these warning signs include cruelty to animals. In its final report issued in July 1999, the task force made a number of recommendations, including a recommendation for "legislation stating that any child who commits cruelty to animals... should be guaranteed intervention services".

CONTENT

The bill would amend the juvenile code to require that the family division of circuit court (family court) order a juvenile to be evaluated to determine the need for psychiatric or psychological counseling, if the juvenile were alleged to be within the jurisdiction of the family court for an offense that, if committed by an adult, would constitute the criminal offense of cruelty to animals (MCL 750.50b). If the court determined that psychiatric or psychological counseling was appropriate for the juvenile, the court would have to order that counseling.

The bill states that it would not preclude the family court from entering any other order of disposition allowed under the juvenile code.

(The violation in question involves killing, torturing, mutilating, maiming, disfiguring, or poisoning an animal willfully, maliciously, and without just cause. It is a felony punishable by up to four years' imprisonment, a maximum fine of \$5,000, up to 500 hours of community service, or any combination of those penalties.)

Proposed MCL 712a.18l

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

According to the Diagnostic and Statistics Manual-IV (DSM-IV), diagnostic criteria for both Antisocial Personality Disorder and Conduct Disorder include aggressive conduct or cruelty toward people or animals. Either disorder may begin in childhood or adolescence, and the pattern of behavior may continue into adulthood. Other sources cited by the MPA indicate that "three quarters of children with a clinically significant conduct disorder will go on to exhibit pervasive and persistent social malfunction"; and, "84 percent of the young murderers... studied met the diagnostic criteria for conduct disorder". It is clear that a child who injures, tortures, or kills an animal may have a serious psychological problem, and might be prone to committing violent crimes against others, either in childhood or as an adult.

On the other hand, according to the MPA, the book *Ghosts from the Nursery: Tracing the Roots of Violence* (Karr-Morse and Wiley), "...presents overwhelming evidence that conduct disorder has its basis in early disruption, trauma, and abuse, making the case that much of this is preventable or remediable." Thus, if a child has serious symptoms of conduct disorder, such as animal cruelty, there is good reason to intervene in order to stop the abuse the child might be experiencing and to lower the odds that he or she may become a criminal. This bill would implement one of the recommendations of the S.A.F.E. Schools Task Force and ensure that children who display cruelty to animals would receive the psychological or psychiatric attention they need.

Legislative Analyst: S. Lowe

FISCAL IMPACT

The bill would have an indeterminate impact on the State and local units of government. Under MCL 750.50b, the court may order psychological or psychiatric counseling as a condition of probation at the defendant's expense. According to the Michigan Department of Corrections 1997 Statistical Report, there were 20 convictions under MCL 750.50b. Of those dispositions, 15 included probation. The number of juveniles under the jurisdiction of the family court for an offense that would be a violation of MCL 750.50b, if committed by an adult, cannot be determined.

Fiscal Analyst: B. Bowerman

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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.