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Senate Bill 754 (as enrolled)

PUBLIC ACT 175 of 2000

Sponsor: Senator Bev Hammerstrom

Senate Committee: Families, Mental Health and Human Services

House Committee: Family and Civil Law

Date Completed: 8-31-00

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 included a recommendation for "legislation stating that any child who commits cruelty to animals... should be guaranteed intervention services".

CONTENT

The bill amends 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 treatment, if the juvenile is found 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 or an arson offense. (The offenses in question are described below in **BACKGROUND**.) If the court determines that psychiatric or psychological treatment is appropriate for the juvenile, the court may order that treatment.

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

The bill will take effect on October 1, 2000.

MCL 712A.18I

BACKGROUND

The animal cruelty offense involves killing, torturing, mutilating, maiming, disfiguring, or poisoning an animal willfully, maliciously, and without just cause

(MCL 750.50b). 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.

An arson offense involves a violation of Chapter 10 of the Michigan Penal Code (MCL 750.71-750.80). Chapter 10 includes the following offenses: burning a dwelling house; burning other real property; burning personal property; burning insured property; willfully and maliciously setting fire to a building or personal property; setting fire to woods or other grounds; clearing land by fire or burning refuse at a time prohibited by a township order or rule; and setting fire to a mine or mining material. The penalties range from imprisonment for up to 93 days and/or a maximum fine of \$500 for burning personal property worth under \$200, to imprisonment for life or any term of years for setting fire to a mine or mining material.

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, and destruction of property. 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, or sets fires, 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 or arson, 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. By implementing one of the recommendations of the S.A.F.E. Schools Task Force, the bill will help ensure that children who display cruelty to animals or commit arson will receive the psychological or psychiatric attention they need.

Legislative Analyst: S. Lowe

FISCAL IMPACT

The bill will 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 1998 Statistical Report, there were 28 convictions under MCL 750.50b (of which eight were attempts). Of those dispositions, 22 included probation. Convictions under MCL 750.71-750.80 totaled 401 (of which 72 were attempts). Of those dispositions, 232 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 or MCL 750.71-750.80, 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.