

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 782

A bill to regulate the ownership, possession, and care of certain large carnivores; to prohibit the ownership and possession of certain large carnivores; to impose fees; to prescribe the powers and duties of certain governmental entities and officials and of certain veterinarians; and to prescribe penalties and provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "large carnivore act".

3 Sec. 2. As used in this act:

4 (a) "Animal control officer" means a county animal control
5 officer as described in sections 29a and 29b of the dog law of
6 1919, 1919 PA 339, MCL 287.289a and 287.289b, or a city, village,
7 or township animal control officer as described in section 29c of
8 the dog law of 1919, 1919 PA 339, MCL 287.289c.

1 (b) "Animal control shelter" or "animal protection shelter"
2 means an animal control shelter or animal protection shelter,
3 respectively, registered with the department under section 6 of
4 1969 PA 287, MCL 287.336.

5 (c) "Circus" means an incorporated, class C licensee that is
6 licensed under chapter I of title 9 of the code of federal regu-
7 lations, that is temporarily in this state, and that offers
8 skilled performances by live animals, clowns, and acrobats for
9 public entertainment. Circus does not include a person, whether
10 or not a class C licensee, who presents a large carnivore to the
11 public as part of a carnival or for any of the following
12 purposes:

13 (i) Exhibition.

14 (ii) Education.

15 (iii) Entertainment that includes wrestling, a photography
16 opportunity with a patron, or an activity in which the large car-
17 nivore and a patron are in close contact with each other.

18 (d) "Department" means the department of agriculture.

19 (e) "Facility" means an indoor or outdoor cage, pen, or sim-
20 ilar enclosure where a large carnivore is kept.

21 (f) "Large carnivore" means either of the following:

22 (i) Any of the following cats of the Felidae family, whether
23 wild or captive bred, including a hybrid cross with such a cat:

24 (A) A lion.

25 (B) A leopard, including, but not limited to, a snow leopard
26 or clouded leopard.

- 1 (C) A jaguar.
- 2 (D) A tiger.
- 3 (E) A cougar.
- 4 (F) A panther.
- 5 (G) A cheetah.
- 6 (ii) A bear of a species that is native or nonnative to this
7 state, whether wild or captive bred.
- 8 (g) "Law enforcement officer" means:
- 9 (i) A sheriff or sheriff's deputy.
- 10 (ii) A village or township marshal.
- 11 (iii) An officer of the police department of a city, vil-
12 lage, or township.
- 13 (iv) An officer of the Michigan state police.
- 14 (v) A peace officer who is trained and certified under the
15 commission on law enforcement standards act, 1965 PA 203,
16 MCL 28.601 to 28.616.
- 17 (vi) A conservation officer appointed by the department of
18 natural resources.
- 19 (vii) An animal control officer.
- 20 (viii) A law enforcement officer of the federal government
21 authorized to enforce any federal law regulating animals.
- 22 (h) "Livestock" means that term as defined in section 5 of
23 the animal industry act of 1987, 1988 PA 466, MCL 287.705.
- 24 (i) "Local unit" means a city, village, township, or
25 county.
- 26 (j) "Permit" means a permit issued under section 4.

1 (k) "Permitting agency" means the agency of a local unit
2 that issues permits under section 4.

3 (l) "Person" means an individual, partnership, corporation,
4 association, governmental entity, or other legal entity.

5 (m) "Pet shop" means a pet shop licensed by the department
6 under section 3 of 1969 PA 287, MCL 287.333.

7 (n) "Veterinarian" means a person licensed to practice vet-
8 erinary medicine under article 15 of the public health code, 1978
9 PA 368, MCL 333.16101 to 333.18838.

10 Sec. 3. A person shall not do any of the following:

11 (a) Own or possess a large carnivore except in compliance
12 with this act.

13 (b) Breed a large carnivore.

14 (c) Transfer ownership or possession of or receive a trans-
15 fer of ownership or possession of a large carnivore, with or
16 without remuneration. This subdivision does not apply to a
17 transfer of ownership or possession of a large carnivore
18 expressly authorized or required by this act.

19 Sec. 4. (1) A person shall not possess 1 or more large car-
20 nivores unless all of the following apply:

21 (a) The person owns the large carnivores.

22 (b) The person was in possession of those individual large
23 carnivores on the effective date of this act.

24 (c) The person applies for a permit for those large carni-
25 vores within 90 days after the effective date of this act and
26 obtains a permit for those large carnivores. The permit applies
27 only to those individual large carnivores. The permit is not

1 transferable to another person except through testate or
2 intestate succession. The permit is valid in any local unit in
3 which the possession of the large carnivores is not prohibited by
4 ordinance.

5 (2) A person shall file an application for a permit with the
6 person specified by the first of the following subdivisions that
7 applies:

8 (a) If the large carnivores are kept in a city or village
9 and the city or village employs an animal control officer, with
10 the city or village agency to which the animal control officer is
11 assigned.

12 (b) If the large carnivores are kept in a township and the
13 township employs an animal control officer, with the township
14 agency to which the animal control officer is assigned.

15 (c) If the county in which the large carnivores are kept
16 employs an animal control officer, with the county agency to
17 which the animal control officer is assigned.

18 (d) If subdivisions (a), (b), and (c) do not apply, with the
19 county sheriff of the county where the large carnivores are
20 kept.

21 (3) An applicant for a permit shall include with the appli-
22 cation both of the following:

23 (a) An annual permit fee. The annual permit fee shall be
24 established by the governing body of the local unit whose agency
25 issues the permit under subsection (2) and shall be not less than
26 the greater of the following:

1 (i) Twenty-five dollars, or at the option of the local unit
2 if the applicant keeps more than 1 large carnivore in that local
3 unit, \$25.00 for each large carnivore.

4 (ii) An amount necessary to cover the local unit's actual,
5 reasonable costs of enforcing this act.

6 (b) A written statement that does all of the following:

7 (i) Specifies the number of large carnivores owned by the
8 applicant.

9 (ii) Describes in detail each large carnivore owned by the
10 applicant, including, but not limited to, its identification
11 number required under section 5.

12 (iii) Specifies the name, address, and telephone number of
13 the person from whom the owner obtained the large carnivore, if
14 known.

15 (c) A written statement giving the name and address of the
16 veterinarian who is expected to provide veterinary care to the
17 large carnivore, signed by the veterinarian.

18 (4) A local unit shall not issue a permit unless it finds
19 that all of the following apply:

20 (a) The requirements of subsections (1), (2), and (3) are
21 met.

22 (b) The applicant is 21 years of age or older.

23 (c) The applicant has not been convicted of or found respon-
24 sible for violating a local ordinance or state law prohibiting
25 neglect or mistreatment of an animal and has not within the past
26 10 years been convicted of a felony.

1 (d) The applicant is not subject to a court order requiring
2 the forfeiture of a large carnivore or prohibiting the ownership
3 or possession of a large carnivore.

4 (e) The facility and the conditions in which each large car-
5 nivore will be kept comply with this act.

6 (f) The applicant is knowledgeable about the large
7 carnivore's disposition and care requirements.

8 (5) A permit shall set forth all of the following:

9 (a) The name and address of the permit holder and the
10 address where each large carnivore will be kept, if different
11 from that of the permit holder.

12 (b) The number of large carnivores owned by the permit
13 holder.

14 (c) The identification number of each large carnivore
15 required under section 5.

16 (d) The name and address of the veterinarian who is expected
17 to provide veterinary care to the large carnivore.

18 (e) Any other reasonable information as determined by the
19 local unit, which may include, but need not be limited to, a des-
20 ignation of permits required by a local unit, the department, the
21 department of community health, the department of natural
22 resources, the United States department of agriculture, or the
23 fish and wildlife service of the United States department of the
24 interior.

25 (6) A local unit that issues a permit shall notify the
26 department of the name and address of the permit holder and the
27 number of large carnivores owned by the permit holder.

1 (7) The owner of a large carnivore shall annually pay the
2 local unit the annual permit fee established under subsection
3 (3)(a).

4 Sec. 5. The owner of a large carnivore shall have an iden-
5 tification number placed in the large carnivore via subcutaneous
6 microchip, at the expense of the owner, by or under the supervi-
7 sion of a veterinarian.

8 Sec. 6. (1) A large carnivore shall not be tethered out-
9 doors, such as on a leash or chain, or allowed to run at-large.
10 Except as provided in this section or section 7, a large carni-
11 vore shall be constantly kept in a facility that meets all of the
12 following requirements:

13 (a) Is sufficiently secure to prevent the large carnivore's
14 escape and protect the large carnivore from injury.

15 (b) Is constructed of cement blocks, bricks, concrete, chain
16 link fence, wires, or bars of a suitable thickness, gauge, or
17 diameter to prevent the large carnivore's escape and to protect
18 the large carnivore from injury.

19 (c) Has an entrance with a lock that is kept locked at all
20 times when the large carnivore is kept in the facility.

21 (d) Is well braced and securely anchored at ground level or,
22 if the facility is located in a residence or other building, at
23 floor level and utilizes metal clamps, ties, or braces of a
24 strength sufficient for cage construction for that species of
25 large carnivore.

26 (e) Is enclosed within a secondary fence that is located at
27 least 3 feet outside of the walls of the facility and is adequate

1 to prevent a human from coming into contact with the large
2 carnivore.

3 (f) Has a floor area that meets or exceeds the minimum stan-
4 dards for housing as prescribed under the animal welfare act,
5 Public Law 89-544, 7 U.S.C. 2131 to 2147, 2149 and 2151 to 2159,
6 and regulations promulgated under that act.

7 (2) The owner of a large carnivore may, on a permanent or
8 temporary basis, keep the large carnivore in the person's dwell-
9 ing and not in a facility if the large carnivore is under the
10 supervision of a person 21 years of age or older.

11 (3) The owner of a large carnivore may take the large carni-
12 vore outdoors if the owner of the large carnivore holds the large
13 carnivore under control on a secure leash that is not more than 6
14 feet long and either or both of the following apply:

15 (a) The large carnivore is within a securely fenced area.

16 (b) The large carnivore is being moved between any 2 of the
17 following:

18 (i) The large carnivore's facility.

19 (ii) The dwelling of the owner of the large carnivore, pur-
20 suant to subsection (2).

21 (iii) A shift cage, pursuant to subsection (4).

22 (iv) A vehicle, pursuant to section 7.

23 (v) A veterinarian's office or veterinary hospital.

24 (4) A large carnivore may be kept in a shift cage while the
25 large carnivore's facility is being cleaned. The shift cage
26 shall be of a size appropriate for the large carnivore and of a
27 construction adequate to safely contain the large carnivore.

1 (5) The owner of a large carnivore shall do all of the
2 following:

3 (a) Present a permit for the large carnivore upon the
4 request of a law enforcement officer.

5 (b) Post and maintain signs on property on which a large
6 carnivore is kept stating "A potentially dangerous large carni-
7 vore is kept on this property.". Each sign shall utilize block
8 letters at least 1/2 inch high. A sign shall be posted as
9 follows:

10 (i) At each fence gate providing access to a residence on
11 the property, providing access to a building in which the large
12 carnivore's facility is located, or providing access to the
13 facility.

14 (ii) On the outside of each door providing access to a resi-
15 dence on the property or providing access to any building in
16 which the large carnivore's facility is located.

17 (iii) On each side of the large carnivore's facility, unless
18 the facility is located in a residence or other building.

19 (c) Clean any swimming or wading pools for the large carni-
20 vore as needed to ensure sufficiently sanitary water quality.

21 (d) Provide adequate drainage of surface water from the
22 facility.

23 (e) Not place the large carnivore under the supervision of a
24 person less than 21 years of age.

25 (f) Not mistreat or neglect the large carnivore or permit it
26 to be mistreated or neglected.

1 (g) Ensure that the conditions in which the large carnivore
2 is kept, including, but not limited to, the following, are safe
3 and conducive to the large carnivore's physical health and com-
4 fort and promote normal behavior:

5 (i) Temperature.

6 (ii) Ventilation.

7 (iii) Humidity.

8 (iv) Drainage.

9 (v) Sanitation.

10 (vi) Diet.

11 (vii) Exercise.

12 (h) Provide the large carnivore with potable drinking water
13 at least twice daily in a clean, accessible container, unless
14 otherwise directed by a veterinarian.

15 (i) Provide the large carnivore with food that meets all of
16 the following requirements:

17 (i) Is nutritious.

18 (ii) Is of sufficient quantity to maintain or restore health
19 and normal body weight.

20 (iii) Is not spoiled or contaminated with insects, fecal
21 material, or any other substance that may cause the food to be
22 unpalatable, that may decrease the nutritiousness of the food, or
23 that may pose a health risk to the large carnivore.

24 (j) Remove fecal and food wastes from the facility daily and
25 store or dispose of the wastes in a manner that prevents noxious
26 odors, insect pests, or risks to human or animal health or the
27 environment. Hard floors shall be scrubbed and disinfected

1 weekly. Large facilities with dirt floors shall be raked every
2 day and the raked waste removed every day.

3 (k) Ensure that the large carnivore receives from a veteri-
4 narian, at the owner's expense, an annual checkup, including
5 scheduled vaccinations, and other necessary medical care. The
6 owner of a large carnivore shall maintain copies of the large
7 carnivore's veterinary records and present the records upon
8 request of a law enforcement officer.

9 (l) When the large carnivore dies, arrange to have the death
10 certified in writing by a veterinarian, law enforcement officer,
11 or the permitting agency. The veterinarian, law enforcement
12 officer, or permitting agency shall submit the certification to
13 the department within 20 business days after the death.

14 Sec. 7. A person lawfully in possession of a large carni-
15 vore under this act may transport the large carnivore in a
16 vehicle. A person transporting a large carnivore in a vehicle
17 shall comply with the standards in International Air Transport
18 Ass'n., Live Animal Regulations (26th ed., 1999) applicable to
19 the large carnivore species. In addition, a person transporting
20 a large carnivore in a vehicle shall comply with all of the fol-
21 lowing requirements:

22 (a) The large carnivore shall be individually and securely
23 caged, even while inside a passenger vehicle or in the bed of a
24 truck. However, a female large carnivore and each of her
25 unweaned offspring, if any, shall be transported in the same
26 cage.

1 (b) The vehicle shall provide fresh air without injurious
2 drafts and provide adequate protection from the elements to the
3 large carnivore.

4 (c) The large carnivore's cargo area shall be as free as
5 possible of engine exhaust fumes.

6 (d) Fecal and food wastes shall be removed from the large
7 carnivore's transport cage on at least a daily basis.

8 (e) The temperature within the large carnivore's cage shall
9 not be harmful to the large carnivore's health.

10 (f) The large carnivore's cage shall be large enough to
11 ensure that the large carnivore has sufficient space to stand
12 erect, turn around, and lie naturally.

13 (g) The large carnivore shall not be placed in a cage over
14 or next to another animal unless each enclosure has a fitted
15 floor or lateral partition that prevents excreta from entering
16 lower or adjacent enclosures.

17 (h) The large carnivore shall be given potable water at
18 least twice daily and fed at least once daily, unless otherwise
19 directed by a veterinarian.

20 Sec. 8. A person shall not export or attempt to export a
21 large carnivore to another state or country unless all of the
22 following requirements are met:

23 (a) The import and possession of the large carnivore are
24 lawful in the other state or country.

25 (b) The destination and proposed new owner of the large car-
26 nivore have been approved by the regulatory agency in the other
27 state or country having authority to do so, if any.

1 Sec. 9. (1) If a large carnivore potentially exposes a
2 human to rabies by any penetration of the skin by teeth, any
3 scratch that causes penetration of the skin, any abrasion that
4 causes penetration of the skin, or contamination of open wounds
5 or mucous membranes with saliva or other infectious material, the
6 owner of the large carnivore shall report the potential exposure
7 to the local health department within 24 hours.

8 (2) If a large carnivore potentially exposes livestock or a
9 mammalian pet to rabies by any penetration of the skin by teeth,
10 any scratch that causes penetration of the skin, any abrasion
11 that causes penetration of the skin, or contamination of open
12 wounds or mucous membranes with saliva or other infectious mate-
13 rial, the owner of the large carnivore shall report the potential
14 exposure to the permitting agency within 24 hours.

15 Sec. 10. If a large carnivore potentially exposes a human,
16 livestock, or a mammalian pet to rabies by any means identified
17 in this section, the large carnivore shall be humanely euthanized
18 by a veterinarian. The large carnivore shall be immediately
19 examined for rabies in the manner provided by rules promulgated
20 under section 5111 of the public health code, 1978 PA 368,
21 MCL 333.5111.

22 Sec. 11. (1) A law enforcement officer or other person may
23 kill a large carnivore if the person sees the large carnivore
24 chasing, attacking, injuring, or killing either of the
25 following:

26 (a) A human.

1 (b) Livestock, poultry, or a mammalian pet.

2 (2) A law enforcement officer may kill a large carnivore if
3 the law enforcement officer sees the large carnivore chasing,
4 attacking, injuring, or killing wildlife.

5 (3) A person is not liable in damages or otherwise for kil-
6 ling or attempting to kill a large carnivore under subsection (1)
7 or (2).

8 (4) This act does not prohibit the owner of a large carni-
9 vore, for which a permit has been issued if required under this
10 act, from recovering by legal action against a law enforcement
11 officer or other person the value of a large carnivore illegally
12 killed by that law enforcement officer or other person.

13 (5) A large carnivore's entry onto a field or enclosure that
14 is owned by or leased by a person producing livestock or poultry
15 constitutes a trespass, and the owner of the large carnivore is
16 liable in damages.

17 Sec. 12. (1) The owner of a large carnivore is liable in a
18 civil action for the death or injury of a human and for property
19 damage, including, but not limited to, the death or injury of
20 another animal, caused by the large carnivore. This act does not
21 limit the common law liability of the owner of a large carnivore
22 for the death or injury of a human or for property damage caused
23 by the large carnivore.

24 (2) If a large carnivore escapes or is released, intention-
25 ally or unintentionally, the owner of the large carnivore shall
26 immediately contact a law enforcement officer of the local unit
27 where the escape or release occurred to report the loss, escape,

1 or release. The owner of the large carnivore is liable for all
2 expenses associated with efforts to recapture the large carnivore
3 that is released or escapes.

4 (3) The owner of the large carnivore may bring against a
5 person who is responsible in whole or part for the escape or
6 release of the large carnivore a civil action for damages,
7 including, but not limited to, damages and expenses under subsec-
8 tions (1) and (2).

9 Sec. 13. (1) A facility is subject to inspection at reason-
10 able hours by a law enforcement officer to ensure compliance with
11 this act.

12 (2) If there is probable cause to believe that this act is
13 being violated, a law enforcement officer shall do 1 of the
14 following:

15 (a) Issue to the owner of the large carnivore a notice of
16 the violation under section 14.

17 (b) Arrest the owner of the large carnivore or seek a war-
18 rant for his or her arrest, as appropriate under chapter IV of
19 the code of criminal procedure, 1927 PA 175, MCL 764.1 to 764.29,
20 for a misdemeanor under section 15.

21 (c) File a sworn complaint under section 16(3).

22 Sec. 14. (1) If there is probable cause to believe this act
23 is being violated, a law enforcement officer may give notice of
24 the violation in writing to the owner of the large carnivore.
25 The notice shall identify the violation and include a copy of
26 this act.

1 (2) Not more than 30 days after the notice is delivered, the
2 owner of the large carnivore shall transfer ownership and
3 possession of the large carnivore or, subject to subsection (3),
4 correct the violation and shall notify the law enforcement offi-
5 cer of the action taken.

6 (3) If the violation was failure to obtain a permit and the
7 violation was committed knowingly, not more than 14 days after
8 the notice is delivered, the owner of the large carnivore shall
9 transfer ownership and possession of the large carnivore and
10 notify the law enforcement officer of the action taken.

11 (4) A large carnivore transferred under subsection (2) or
12 (3) shall be transferred to a person described in section
13 22(1)(a), (b), (c), or (d). Notice that the large carnivore was
14 transferred under this subsection shall include evidence of the
15 transfer satisfactory to the law enforcement officer.

16 (5) Unless the owner of the large carnivore notifies the law
17 enforcement officer that the large carnivore was transferred
18 under subsection (2) or (3), the law enforcement officer shall
19 conduct an inspection at a reasonable time not less than 30 days
20 after notice of the violation was delivered. When the second
21 inspection is conducted, the owner of the large carnivore shall
22 pay an inspection fee of \$25.00 or actual, reasonable costs of
23 the inspection, whichever is greater, to the law enforcement
24 officer.

25 (6) If the law enforcement officer finds that the owner of
26 the large carnivore has not complied with subsection (2) or (3),

1 the law enforcement officer shall seek forfeiture of the large
2 carnivore under section 16.

3 Sec. 15. (1) Subject to subsection (2), a person who vio-
4 lates this act is guilty of a misdemeanor. The person shall be
5 punished by a fine of not less than \$250.00 or more than
6 \$1,000.00, plus costs of prosecution. However, a person who
7 fails to obtain a permit as required by this act shall be pun-
8 ished by a fine, for each large carnivore for which the permit
9 was required, of not less than \$500.00 or more than \$2,000.00,
10 plus costs of prosecution. In addition, a person who violates
11 this act may be punished by 1 or more of the following:

12 (a) Imprisonment for not more than 93 days.

13 (b) Community service work for not more than 500 hours.

14 (c) The loss of privileges to own or possess any animal.

15 (2) Subsection (1) does not apply to a law enforcement offi-
16 cer, veterinarian, or permitting agency with respect to the per-
17 formance of the duties of a law enforcement officer, veterinari-
18 an, or permitting agency under this act.

19 Sec. 16. (1) If a person who owns or possesses a large car-
20 nivore violates this act, that large carnivore and any other
21 large carnivore owned by that person are subject to civil
22 forfeiture.

23 (2) The prosecuting attorney in an action under section 15
24 may file a petition requesting that the court issue an order for
25 civil forfeiture of all of the large carnivores owned by the
26 person violating this act.

1 (3) Any person may file with a court having jurisdiction a
2 complaint alleging that a person is violating this act and
3 requesting the court to order the civil forfeiture of all of the
4 large carnivores owned by that person.

5 Sec. 17. (1) A law enforcement officer shall seize a large
6 carnivore pursuant to an order of seizure issued by the court
7 having jurisdiction over the large carnivore upon a showing of
8 probable cause that the large carnivore is subject to forfeiture
9 under section 16(1).

10 (2) A large carnivore subject to forfeiture under section
11 16(1) may be seized under any of the following circumstances:

12 (a) The seizure is incident to a lawful arrest for a viola-
13 tion of this act.

14 (b) The seizure is pursuant to a valid search warrant.

15 (c) The seizure is pursuant to an inspection under a valid
16 administrative inspection warrant.

17 (d) There is probable cause to believe that the conditions
18 under which the large carnivore or any other large carnivore
19 owned by the same person is kept are directly or indirectly dan-
20 gerous to human or animal health or safety.

21 (e) Exigent circumstances exist that preclude obtaining a
22 court order, and there is probable cause to believe that this act
23 has been violated.

24 (f) The large carnivore or any other large carnivore owned
25 by the same person is the subject of a prior judgment in favor of
26 this state in a forfeiture proceeding.

1 (3) If a seizure is to be accomplished by capture,
2 tranquilization or other humane methods shall be used for the
3 capture.

4 (4) A large carnivore seized under this act is not subject
5 to any other action to recover personal property, but is consid-
6 ered to be in the custody of the seizing agency subject only to
7 subsection (5) and sections 18 and 19, or to an order and judg-
8 ment of the court having jurisdiction over the forfeiture
9 proceedings. When a large carnivore is seized under this act,
10 the law enforcement officer may remove the large carnivore to a
11 place designated by the court.

12 (5) A large carnivore that belongs to the victim of a crime
13 shall promptly be returned to the victim, except in the following
14 circumstances:

15 (a) When the crime victim last possessed the large carni-
16 vore, he or she was in violation of section 4.

17 (b) If the ownership of the large carnivore is disputed,
18 until the dispute is resolved.

19 (c) If the property is required to be retained as evidence
20 pursuant to section 4(4) of the crime victim's rights act, 1985
21 PA 87, MCL 780.754.

22 Sec. 18. (1) A law enforcement officer may return a seized
23 large carnivore to the owner of the large carnivore if the law
24 enforcement officer is satisfied that the conditions resulting in
25 the seizure have been corrected. If the large carnivore was
26 seized pursuant to process issued by a court, the law enforcement

1 officer shall obtain approval of the court before returning the
2 large carnivore.

3 (2) Unless the large carnivore has been returned, the law
4 enforcement officer shall, within 10 days after the large carni-
5 vore is seized, give written notice of the seizure and intent to
6 forfeit the large carnivore to each of the following persons:

7 (a) The owner of the large carnivore.

8 (b) Any person who was injured or whose property was damaged
9 by the large carnivore.

10 (3) The notice required under subsection (2) shall be deliv-
11 ered in person or sent by certified mail. If the name and
12 address of the person are not reasonably ascertainable or per-
13 sonal delivery of the notice cannot reasonably be accomplished,
14 the notice shall be published in a newspaper of general circula-
15 tion in the county in which the large carnivore was seized for 10
16 successive publishing days. Proof of written notice or publica-
17 tion shall be filed with the court having jurisdiction over the
18 seizure or forfeiture.

19 (4) The law enforcement officer shall immediately after sei-
20 zure of the large carnivore notify the prosecuting attorney for
21 the county in which the large carnivore was seized or, if the
22 attorney general is actively handling a case involving or relat-
23 ing to the large carnivore, the attorney general of the seizure
24 of the large carnivore and any intent to forfeit the large carni-
25 vore under this act.

26 Sec. 19. (1) The owner of a large carnivore may file a
27 motion with the court having jurisdiction to return the large

1 carnivore on the grounds that the large carnivore was illegally
2 seized or that the large carnivore is not subject to forfeiture
3 under this act. The court shall hear the motion within 30 days
4 after the motion is filed.

5 (2) At the hearing on the motion filed under subsection (1),
6 the attorney general, or the attorney for the local unit in which
7 the large carnivore was seized, shall establish probable cause to
8 believe that the large carnivore is subject to forfeiture under
9 this act and, if the owner claims the large carnivore was ille-
10 gally seized, that the large carnivore was properly seized.

11 (3) If the attorney general or the attorney for the local
12 unit in which the large carnivore was seized fails to sustain his
13 or her burden of proof under subsection (2), the court shall
14 order the return of the large carnivore.

15 (4) The testimony of a person at a hearing held under this
16 section is not admissible against him or her in any criminal pro-
17 ceeding except in a criminal prosecution for perjury. The testi-
18 mony of a person at a hearing held under this section does not
19 waive the person's constitutional right against
20 self-incrimination.

21 Sec. 20. (1) A law enforcement officer shall return a
22 seized large carnivore to the owner of the large carnivore within
23 7 days after the occurrence of any of the following:

24 (a) The failure to issue a warrant against the owner of the
25 large carnivore for committing a misdemeanor under section 15 or
26 to file a complaint under section 16(3) within 10 days after the
27 large carnivore is seized.

1 (b) The dismissal of charges against the owner of the large
2 carnivore under section 15 or of a complaint under section 16(3),
3 as applicable.

4 (c) The court's determination that an order for the large
5 carnivore to be forfeited shall not be entered.

6 (d) The acquittal of the owner of the large carnivore of any
7 charges under section 15.

8 (e) Entry of a court order under this act for the return of
9 the large carnivore.

10 (2) If a large carnivore is returned under subsection (1),
11 the law enforcement officer shall give written notice to the per-
12 sons who received notice under section 18 that the large carni-
13 vore has been returned. The notice under this subsection shall
14 be delivered in person or sent by certified mail. If the name
15 and address of the person are not reasonably ascertainable or
16 personal delivery of the notice cannot reasonably be accom-
17 plished, the notice shall be published in a newspaper of general
18 circulation in the county in which the large carnivore was seized
19 for 10 successive publishing days.

20 (3) If the court orders a large carnivore to be forfeited,
21 the order of forfeiture shall direct that each large carnivore be
22 transferred to a wildlife sanctuary approved by the association
23 of sanctuaries, an animal protection shelter, or a zoo accredited
24 by the American zoo and aquarium association, where the large
25 carnivore will be safely and humanely cared for. However,
26 subject to section 10, if the large carnivore killed or injured a
27 human or an animal, the order of forfeiture may direct that the

1 large carnivore be humanely euthanized by a veterinarian. An
2 order of forfeiture shall also revoke any permit that may have
3 been issued for the large carnivore under section 4 and order
4 payment of costs under subsection (4). The forfeiture is a civil
5 forfeiture.

6 (4) If a large carnivore is seized, the owner of the large
7 carnivore is liable for the costs of placement and care for the
8 large carnivore from the time of seizure until the time of return
9 or forfeiture and, if a large carnivore is ordered to be for-
10 feited and euthanized, for the costs of humanely euthanizing and
11 disposing of the large carnivore. This subsection does not apply
12 if the large carnivore is returned under subsection (1) or
13 section 19.

14 Sec. 21. (1) A local unit may adopt an ordinance governing
15 large carnivores that is more restrictive than this act.

16 (2) The requirements of this act are in addition to any
17 other requirements governing a large carnivore under state and
18 federal law.

19 Sec. 22. (1) Sections 4, 5, and 6 do not apply to any of
20 the following:

21 (a) An animal control shelter or animal protection shelter.

22 (b) A person licensed or approved by the department of natu-
23 ral resources of this state or by the United States fish and
24 wildlife service of the United States department of the
25 interior. This subdivision does not apply to a person in posses-
26 sion of 1 or more black bears under the authority of a permit to

1 hold wildlife in captivity issued by the department of natural
2 resources.

3 (c) A zoological park approved or accredited by the American
4 zoo and aquarium association.

5 (d) A person approved by the association of sanctuaries or
6 the American sanctuary association.

7 (e) A law enforcement officer acting under the authority of
8 this act.

9 (f) A veterinarian temporarily in possession of a large car-
10 nivore to provide veterinary care for or humanely euthanize the
11 large carnivore.

12 (2) Sections 4, 5, 6(1)(d) to (5)(d), 8, and 14(3) do not
13 apply to a person who is not a resident of this state and who is
14 in this state only for the purpose of travel between locations
15 outside of this state.

16 (3) Subject to subsection (2), this act does not apply to a
17 person who meets all of the following requirements:

18 (a) Is conducting a for-profit or nonprofit business that
19 meets both of the following requirements:

20 (i) The primary purpose of the business is the presentation
21 of animals including large carnivores to the public for education
22 or exhibition purposes.

23 (ii) The business is not conducted in connection with
24 another business as a means of attracting customers to that other
25 business.

1 (b) Is a class C licensee that possesses and maintains a
2 class C license under chapter I of title 9 of the Code of Federal
3 Regulations.

4 (c) Meets or exceeds all standards, including but not
5 limited to standards for training, housing, care, and transport
6 of large carnivores, required of a class C licensee under chapter
7 I of title 9 of the Code of Federal Regulations.

8 (d) Does not allow a patron to do any of the following:

9 (i) Come into direct contact with a large carnivore.

10 (ii) Come into close enough contact with a large carnivore
11 over 20 weeks of age so as to place the patron in jeopardy of
12 being harmed by the large carnivore.

13 (e) Does not sell large carnivores, except to another person
14 that meets the requirements of this subsection.

15 (f) Does not breed large carnivores.

16 (4) This act does not apply to a circus.

17 Sec. 23. The department shall provide each pet shop, animal
18 control shelter, and animal protection shelter with information
19 on the requirements of this act.