

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 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.

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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) "Department" means the department of agriculture.

6 (d) "Facility" means an indoor or outdoor cage, pen, or sim-  
7 ilar enclosure where a large carnivore is kept.

8 (e) "Large carnivore" means either of the following:

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

11 (A) A lion.

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

14 (C) A jaguar.

15 (D) A tiger.

16 (E) A cougar.

17 (F) A panther.

18 (G) A cheetah.

19 (ii) A bear of a species that is native or nonnative to this  
20 state, whether wild or captive bred.

21 (f) "Law enforcement authority" means:

22 (i) A sheriff or sheriff's deputy.

23 (ii) A village or township marshal.

24 (iii) An officer of the police department of a city, vil-  
25 lage, or township.

26 (iv) An officer of the Michigan state police.

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1 (v) A peace officer who is trained and certified under the  
2 commission on law enforcement standards act, 1965 PA 203,  
3 MCL 28.601 to 28.616.

4 (vi) A conservation officer appointed by the department of  
5 natural resources.

6 (vii) An animal control officer of a local unit of  
7 government.

8 (viii) A law enforcement officer of the federal government  
9 authorized to enforce any federal law regulating animals.

10 (g) "Livestock" means that term as defined in section 5 of  
11 the animal industry act of 1987, 1988 PA 466, MCL 287.705.

12 (h) "Local unit" means a city, village, township, or  
13 county.

14 (i) "Permit" means a permit issued under section 4.

15 (j) "Permitting agency" means the agency of a local unit  
16 that issues permits under section 4.

17 (k) "Person" means an individual, partnership, corporation,  
18 association, governmental entity, or other legal entity.

19 (l) "Pet shop" means a pet shop licensed by the department  
20 under section 3 of 1969 PA 287, MCL 287.333.

21 (m) "Transfer" means to be a party to a transfer of posses-  
22 sion or ownership, with or without remuneration.

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

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

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1 (a) Own or possess a large carnivore except in compliance  
2 with this act.

3 (b) Transfer a large carnivore unless the person is export-  
4 ing it to another state or country in compliance with section 8  
5 or the transfer is in compliance with section 14(2) or 20(3).

6 (c) Breed a large carnivore.

7 Sec. 4. (1) Subject to section 22, a person shall not pos-  
8 sess 1 or more large carnivores unless the person owns the large  
9 carnivores, was in possession of those individual large carni-  
10 vores on the effective date of this act, applies for a permit for  
11 those large carnivores within 90 days after the effective date of  
12 this act, and obtains a permit for those large carnivores. The  
13 permit applies only to those individual large carnivores. The  
14 permit is not transferable to another person except through tes-  
15 tate or intestate succession. The permit is valid in any local  
16 unit in which the possession of the large carnivores is not pro-  
17 hibited by ordinance.

18 (2) A person shall file an application for a permit with the  
19 person specified by the first of the following subdivisions that  
20 applies:

21 (a) If the large carnivores are kept in a city or village  
22 and the city or village employs an animal control officer, with  
23 the city or village agency to which the animal control officer is  
24 assigned.

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

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

4 (d) If subdivision (a), (b), or (c) does not apply, with the  
5 county sheriff of the county where the large carnivores are  
6 kept.

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

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

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

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

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

19 (i) Specifies the number of large carnivores owned by the  
20 applicant.

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

24 (iii) Specifies the name, address, and telephone number of  
25 the person from whom the owner obtained the large carnivore, if  
26 known.

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

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

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

6 (c) The applicant has not been convicted of or found respon-  
7 sible for violating a local ordinance or state law prohibiting  
8 neglect or mistreatment of an animal and has not within the past  
9 10 years been convicted of a felony.

10 (d) The applicant is not subject to a court order requiring  
11 the forfeiture of a large carnivore or prohibiting the ownership  
12 or possession of a large carnivore.

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

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

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

19 (b) The number of large carnivores owned by the permit  
20 holder.

21 (c) The identification number of each large carnivore  
22 required under section 5.

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

25 (e) Any other reasonable information as determined by the  
26 local unit, which may include, but need not be limited to, a  
27 designation of permits required by a local unit, the department,

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1 the department of community health, the department of natural  
2 resources, the United States department of agriculture, or the  
3 fish and wildlife service of the United States department of the  
4 interior.

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

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

11 Sec. 5. Subject to section 22, the owner of a large carni-  
12 vore shall have an identification number placed in the large car-  
13 nivore via subcutaneous microchip, at the expense of the owner,  
14 by or under the supervision of a veterinarian.

15 Sec. 6. (1) The large carnivore shall not be tethered out-  
16 doors, such as on a leash or chain, or allowed to run at-large.  
17 Except as provided in this section or section 7, the large carni-  
18 vore shall be constantly kept in a facility that meets all of the  
19 following requirements:

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

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

26 (c) Is well braced and securely anchored at ground level or,  
27 if the facility is located in a residence or other building, at

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1 floor level and utilizes metal clamps, ties, or braces of a  
2 strength sufficient for cage construction for that species of  
3 large carnivore.

4 (d) Is enclosed within a secondary fence that is located at  
5 least 3 feet outside of the walls of the facility and is adequate  
6 to prevent a human from coming into contact with the large  
7 carnivore.

8 (e) Has an entrance with a lock that is kept locked at all  
9 times when the large carnivore is kept in the facility.

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

14 (2) The owner of a large carnivore may, on a permanent or  
15 temporary basis, keep the large carnivore in the person's resi-  
16 dence and not in a facility if the large carnivore is under the  
17 supervision of a person 21 years of age or older.

18 (3) The owner of a large carnivore may take the large carni-  
19 vore outdoors if all of the following requirements are met:

20 (a) The owner of the large carnivore holds the large carni-  
21 vore under control on a secure leash.

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

23 (c) The large carnivore is being moved between any 2 of the  
24 following:

25 (i) The large carnivore's facility.

26 (ii) The residence of the owner of the large carnivore,  
27 pursuant to subsection (2).

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

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

3       (4) The owner of a large carnivore shall comply with all of  
4 the following requirements:

5       (a) The owner shall present a permit for the large carnivore  
6 upon the request of a law enforcement authority.

7       (b) The owner shall not place the large carnivore under the  
8 supervision of a person less than 21 years of age.

9       (c) The owner shall post and maintain signs on property on  
10 which a large carnivore is kept stating "A potentially dangerous  
11 large carnivore is kept on this property.". Each sign shall uti-  
12 lize block letters at least 1/2 inch high. A sign shall be  
13 posted as follows:

14       (i) At each fence gate providing access to a residence on  
15 the property, providing access to a building in which the large  
16 carnivore's facility is located, or providing access to the  
17 facility.

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

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

23       (d) The large carnivore shall not be mistreated or  
24 neglected.

25       (e) The conditions in which the large carnivore is kept,  
26 including, but not limited to, the following, shall be safe and

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1 conducive to the large carnivore's physical health and comfort  
2 and shall promote normal behavior:

3 (i) Temperature.

4 (ii) Ventilation.

5 (iii) Humidity.

6 (iv) Drainage.

7 (v) Sanitation.

8 (vi) Diet.

9 (vii) Exercise.

10 (f) Potable drinking water shall be provided at least twice  
11 daily in a clean, accessible container, unless otherwise directed  
12 by a veterinarian.

13 (g) Swimming or wading pools shall be cleaned as needed to  
14 ensure sufficiently sanitary water quality.

15 (h) There shall be adequate drainage of surface water from  
16 the facility.

17 (i) Food shall be unspoiled and not contaminated with  
18 insects, fecal material, or any other substance that may cause  
19 the food to be unpalatable, that may decrease the nutrient value  
20 of the food, or that may pose a health risk to the large  
21 carnivore.

22 (j) Fecal and food wastes shall be removed from the facility  
23 daily and stored or disposed of in a manner that prevents noxious  
24 odors, insect pests, or risks to human or animal health or the  
25 environment. Hard floors shall be scrubbed and disinfected  
26 weekly. Large facilities with dirt floors shall be raked every  
27 day and the raked waste removed every day.

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

5 (l) At the expense of the owner of the large carnivore, care  
6 for the large carnivore shall be provided by a veterinarian as  
7 needed. The veterinarian shall keep up-to-date records of the  
8 care and retain the records until the large carnivore dies.

9 (m) When the large carnivore dies, the owner of the large  
10 carnivore shall arrange to have the death certified in writing by  
11 a veterinarian, law enforcement authority, or the permitting  
12 agency. The veterinarian, law enforcement authority, or permit-  
13 ting agency shall submit the certification to the department  
14 within 20 business days after the death.

15 (5) This section is subject to section 22.

16 Sec. 7. A person transporting a large carnivore in a vehi-  
17 cle shall comply with the standards in International Air  
18 Transport Ass'n., Live Animal Regulations (26th ed., 1999) appli-  
19 cable to the large carnivore species. In addition, a person  
20 transporting a large carnivore in a vehicle shall comply with all  
21 of the following 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.

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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 licensed 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.

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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       (3) If a large carnivore potentially exposes a human, live-  
16 stock, or mammalian pet to rabies by any means identified in  
17 subsection (1), 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. 10. If a rabies vaccination is or becomes approved by  
23 the federal government for use on a species of large carnivore,  
24 the owner of a large carnivore of that species shall have the  
25 large carnivore vaccinated for rabies by a veterinarian.

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1       Sec. 11. (1) A law enforcement authority or other person  
2 may kill a large carnivore if the person sees the large carnivore  
3 chasing or attacking either of the following:

4       (a) A person.

5       (b) Livestock, poultry, or any other animal.

6       (2) A person is not liable in damages or otherwise for kil-  
7 ling or attempting to kill a large carnivore under subsection  
8 (1).

9       (3) A large carnivore's entry onto a field or enclosure that  
10 is owned by or leased by a person producing livestock or poultry  
11 constitutes a trespass, and the owner of the large carnivore is  
12 liable in damages.

13       Sec. 12. (1) The owner of a large carnivore is liable in a  
14 civil action for the death or injury of a person and for property  
15 damage, including, but not limited to, the death or injury of  
16 another animal, caused by the large carnivore.

17       (2) If a large carnivore escapes or is released, intention-  
18 ally or unintentionally, the owner of the large carnivore shall  
19 immediately contact a law enforcement officer of the local unit  
20 where the escape or release occurred to report the loss, escape,  
21 or release. The owner of the large carnivore is liable for all  
22 expenses associated with efforts to recapture the large carnivore  
23 that is released or escapes.

24       (3) The owner of the large carnivore may bring against a  
25 person who is responsible in whole or part for the escape or  
26 release of the large carnivore a civil action for damages,

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1 including, but not limited to, damages and expenses under  
2 subsections (1) and (2).

3       Sec. 13. (1) The facility where a large carnivore is kept  
4 in captivity is subject to inspection at reasonable hours by a  
5 law enforcement authority to ensure compliance with this act.

6       (2) If there is probable cause to believe that this act is  
7 being violated, a law enforcement authority shall do 1 of the  
8 following:

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

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

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

16       Sec. 14. (1) If there is probable cause to believe this act  
17 is being violated, a law enforcement authority may give notice of  
18 the violation in writing to the owner of the large carnivore.  
19 The notice shall identify the violation and include a copy of  
20 this act.

21       (2) Not more than 30 days after the notice is delivered, the  
22 owner of the large carnivore shall transfer the large carnivore  
23 or, subject to subsection (3), correct the violation and shall  
24 notify the law enforcement authority of the action taken.

25       (3) If the violation was failure to obtain a permit and the  
26 violation was committed knowingly, not more than 14 days after  
27 the notice is delivered, the owner of the large carnivore shall

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1 transfer the large carnivore and notify the law enforcement  
2 authority of the action taken.

3 (4) A large carnivore transferred under subsection (2) or  
4 (3) shall be transferred to a person described in section 22(a),  
5 (b), (c), or (d). Notice that the large carnivore was trans-  
6 ferred under this subsection shall include evidence of the trans-  
7 fer satisfactory to the law enforcement authority.

8 (5) Unless the owner of the large carnivore notifies the law  
9 enforcement authority that the large carnivore was transferred  
10 under subsection (2) or (3), the law enforcement authority shall  
11 conduct an inspection at a reasonable time not less than 30 days  
12 after notice of the violation was delivered. When the second  
13 inspection is conducted, the owner of the large carnivore shall  
14 pay an inspection fee of \$25.00 or actual, reasonable costs of  
15 the inspection, whichever is greater, to the law enforcement  
16 authority.

17 (6) If the law enforcement authority finds that the owner of  
18 the large carnivore has not complied with subsection (2) or (3),  
19 the law enforcement authority shall seek forfeiture of the large  
20 carnivore under section 16.

21 Sec. 15. A person who violates this act, other than a law  
22 enforcement authority, veterinarian, or permitting agency, is  
23 guilty of a misdemeanor. The person shall be punished by a fine  
24 of not less than \$250.00, plus costs of prosecution, or if the  
25 person failed to obtain a permit for the large carnivore, by a  
26 fine of not less than \$500.00, plus costs of prosecution. In

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1 addition, the person may be punished by 1 or more of the  
2 following:

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

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

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

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

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

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

18 Sec. 17. (1) A law enforcement officer shall seize a large  
19 carnivore pursuant to an order of seizure issued by the court  
20 having jurisdiction over the large carnivore upon a showing of  
21 probable cause that the large carnivore is subject to forfeiture  
22 under section 16(1).

23 (2) A large carnivore subject to forfeiture under section  
24 16(1) may be seized without process under any of the following  
25 circumstances:

26 (a) The seizure is incident to a lawful arrest for a  
27 violation of this act.

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

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

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

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

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

14 (3) If a seizure is to be accomplished by capture, tranquil-  
15 ization or other humane methods shall be used for the capture.

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

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

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1 (a) When the crime victim last possessed the large  
2 carnivore, he or she was in violation of section 4.

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

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

8 Sec. 18. (1) A law enforcement authority may return a  
9 seized large carnivore to the owner of the large carnivore if the  
10 law enforcement authority is satisfied that the conditions  
11 resulting in the seizure have been corrected. If the large car-  
12 nivore was seized pursuant to process issued by a court, the law  
13 enforcement authority shall obtain approval of the court before  
14 returning the large carnivore.

15 (2) Unless the large carnivore has been returned, the law  
16 enforcement authority shall, within 10 days after the large car-  
17 nivore is seized, give written notice of the seizure and intent  
18 to forfeit the large carnivore to each of the following persons:

19 (a) The owner of the large carnivore.

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

22 (3) The notice required under subsection (2) shall be deliv-  
23 ered in person or sent by certified mail. If the name and  
24 address of the person are not reasonably ascertainable or per-  
25 sonal delivery of the notice cannot reasonably be accomplished,  
26 the notice shall be published in a newspaper of general  
27 circulation in the county in which the large carnivore was seized

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1 for 10 successive publishing days. Proof of written notice or  
2 publication shall be filed with the court having jurisdiction  
3 over the seizure or forfeiture.

4 (4) The law enforcement authority shall immediately after  
5 seizure of the large carnivore notify the prosecuting attorney  
6 for the county in which the large carnivore was seized or, if the  
7 attorney general is actively handling a case involving or relat-  
8 ing to the large carnivore, the attorney general of the seizure  
9 of the large carnivore and any intent to forfeit the large carni-  
10 vore under this act.

11 Sec. 19. (1) A person may file a motion with the court  
12 having jurisdiction to return the large carnivore on the grounds  
13 that the large carnivore was illegally seized or that the large  
14 carnivore is not subject to forfeiture under this act. The court  
15 shall hear the motion within 30 days after the motion is filed.

16 (2) At the hearing on the motion filed under subsection (1),  
17 the attorney general, or the attorney for the local unit in which  
18 the large carnivore was seized, shall establish probable cause to  
19 believe that the large carnivore is subject to forfeiture under  
20 this act and, if the person filing the motion claims the large  
21 carnivore was illegally seized, that the large carnivore was  
22 properly seized.

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

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1 (4) The testimony of a person at a hearing held under this  
2 section is not admissible against him or her in any criminal  
3 proceeding except in a criminal prosecution for perjury. The  
4 testimony of a person at a hearing held under this section does  
5 not waive the person's constitutional right against  
6 self-incrimination.

7 Sec. 20. (1) A law enforcement authority shall return a  
8 seized large carnivore to the owner of the large carnivore within  
9 7 days after the occurrence of any of the following:

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

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

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

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

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

23 (2) If a large carnivore is returned under subsection (1),  
24 the law enforcement authority shall give written notice to the  
25 persons who received notice under section 18 that the large car-  
26 nivore has been returned. The notice under this subsection shall  
27 be delivered in person or sent by certified mail. If the name

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1 and address of the person are not reasonably ascertainable or  
2 personal delivery of the notice cannot reasonably be accom-  
3 plished, the notice shall be published in a newspaper of general  
4 circulation in the county in which the large carnivore was seized  
5 for 10 successive publishing days.

6       (3) If the court orders a large carnivore to be forfeited,  
7 the order of forfeiture shall direct that each large carnivore be  
8 transferred to a wildlife sanctuary approved by the association  
9 of sanctuaries, an animal protection shelter, or a zoo accredited  
10 by the American zoo and aquarium association, where the large  
11 carnivore will be safely and humanely cared for. However,  
12 subject to section 9, if the large carnivore killed or injured a  
13 human being or an animal, the order of forfeiture may direct that  
14 the large carnivore be humanely euthanized by a veterinarian. An  
15 order of forfeiture shall also revoke any permit that may have  
16 been issued for the large carnivore under section 4 and order  
17 payment of costs under subsection (4). The forfeiture is a civil  
18 forfeiture.

19       (4) If a large carnivore is seized, the owner of the large  
20 carnivore is liable for the costs of placement and care for the  
21 large carnivore from the time of seizure until the time of return  
22 or forfeiture and, if a large carnivore is ordered to be for-  
23 feited and euthanized, for the costs of humanely euthanizing and  
24 disposing of the large carnivore. This subsection does not apply  
25 if the large carnivore is returned under subsection (1) or  
26 section 19.

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

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

6       Sec. 22. Sections 4, 5, and 6 do not apply to any of the  
7 following:

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

9       (b) A person licensed or approved by the department of natu-  
10 ral resources of this state or by the United States fish and  
11 wildlife service of the United States department of the  
12 interior. This subdivision does not apply to a person in posses-  
13 sion of 1 or more black bears under the authority of a permit to  
14 hold wildlife in captivity issued by the department of natural  
15 resources.

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

18       (d) A person approved by the association of sanctuaries.

19       (e) A law enforcement officer acting under the authority of  
20 this act.

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

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