

SENATE BILL NO. 782

October 5, 1999, Introduced by Senators BULLARD, KOIVISTO, HAMMERSTROM, BENNETT, V. SMITH, PETERS, DE BEAUSSAERT, MILLER, HART, STEIL, MC COTTER, MC MANUS, LELAND, DUNASKISS, SCHWARZ and A. SMITH and referred to the Committee on Farming, Agribusiness and Food Systems.

A bill to regulate the ownership, possession, and care of certain exotic animals; to prohibit the ownership and possession of certain exotic animals; 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 "exotic animal 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) "Department" means the department of agriculture.

6 (d) "Exotic animal" means any of the following:

7 (i) A cat of the Felidae family of a species that is nonna-
8 tive to this state, whether wild or captive bred, including a
9 hybrid cross with such a cat. This subparagraph does not include
10 a domesticated Felis catus or a domesticated Bengal cat certified
11 by an internationally recognized multiple-cat domestic feline
12 breeding association as being without wild parentage for at least
13 4 prior generations.

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

16 (iii) A nonhuman primate. This subparagraph does not apply
17 to a nonhuman primate possessed by a scientific research
18 institution.

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

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.

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:

1 (a) Own or possess an exotic animal except in compliance
2 with this act.

3 (b) Transfer an exotic animal unless the person is exporting
4 it to another state or country in compliance with section 8 or
5 the transfer is in compliance with section 14(2) or 20(3).

6 (c) Breed an exotic animal.

7 Sec. 4. (1) Subject to section 22, a person may possess 1
8 or more exotic animals if the person owns the exotic animals, was
9 in possession of those individual exotic animals on the effective
10 date of this act, applies for a permit for those exotic animals
11 within 90 days after the effective date of this act, and obtains
12 a permit for those exotic animals. The permit applies only to
13 those individual exotic animals. The permit is not transferable
14 to another person except through testate or intestate
15 succession. The permit is valid in any local unit in which the
16 possession of the exotic animals is not prohibited by ordinance.

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

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

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

1 (c) If the county in which the exotic animals 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 exotic animals are kept.

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

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

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

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

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

18 (i) Specifies the number of exotic animals owned by the
19 applicant.

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

23 (iii) Specifies the name, address, and telephone number of
24 the person from whom the owner obtained the exotic animal, if
25 known.

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

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

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

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

8 (d) The applicant is not subject to a court order requiring
9 the forfeiture of an exotic animal or prohibiting the ownership
10 or possession of an exotic animal.

11 (e) The facility and the conditions in which each exotic
12 animal will be kept comply with this act.

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

14 (a) The name and address of the permit holder and the
15 address where each exotic animal will be kept, if different from
16 that of the permit holder.

17 (b) The number of exotic animals owned by the permit
18 holder.

19 (c) The identification number of each exotic animal required
20 under section 5.

21 (d) The name and address of the veterinarian who is expected
22 to provide veterinary care to the exotic animal.

23 (e) Any other reasonable information as determined by the
24 local unit, which may include, but need not be limited to, a des-
25 ignation of permits required by a local unit, the department, the
26 department of community health, the department of natural
27 resources, the United States department of agriculture, or the

1 fish and wildlife service of the United States department of the
2 interior.

3 (6) A local unit that issues a permit shall notify the
4 department of the name and address of the permit holder and the
5 number of exotic animals owned by the permit holder.

6 (7) The owner of an exotic animal shall annually pay the
7 local unit the annual permit fee established under subsection
8 (3)(a).

9 Sec. 5. The owner of an exotic animal shall have an identi-
10 fication number placed in the exotic animal via subcutaneous
11 microchip, at the expense of the owner, by or under the supervi-
12 sion of a veterinarian.

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

18 (a) Is sufficiently secure to prevent the exotic animal's
19 escape and protect the exotic animal from injury.

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

24 (c) Is well braced and securely anchored at ground level or,
25 if the facility is located in a residence or other building, at
26 floor level and utilizes metal clamps, ties, or braces of a

1 strength sufficient for cage construction for that species of
2 exotic animal.

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

7 (e) Has an entrance with a lock that is kept locked at all
8 times when the exotic animal is kept in the facility.

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

13 (2) The owner of an exotic animal may, on a permanent or
14 temporary basis, keep the exotic animal in the person's residence
15 and not in a facility if the exotic animal is under the supervi-
16 sion of a person 21 years of age or older.

17 (3) The owner of an exotic animal may take the animal out-
18 doors if all of the following requirements are met:

19 (a) The owner of the exotic animal holds the exotic animal
20 under control on a secure leash.

21 (b) The exotic animal is within a securely fenced area.

22 (c) The exotic animal is being moved between any 2 of the
23 following:

24 (i) The exotic animal's facility.

25 (ii) The residence of the owner of the exotic animal, pursu-
26 ant to subsection (2).

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

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

3 (4) The owner of an exotic animal shall comply with all of
4 the following requirements:

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

7 (b) The owner shall not place the exotic animal 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 an exotic animal is kept stating "A potentially dangerous
11 exotic animal 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 exotic
16 animal'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 exotic animal's facility is located.

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

23 (d) The exotic animal shall not be mistreated or neglected.

24 (e) The conditions in which the exotic animal is kept,
25 including, but not limited to, the following, shall be safe and
26 conducive to the exotic animal's physical health and comfort and
27 shall promote normal behavior:

1 (i) Temperature.

2 (ii) Ventilation.

3 (iii) Humidity.

4 (iv) Drainage.

5 (v) Sanitation.

6 (vi) Diet.

7 (vii) Exercise.

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

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

13 (h) There shall be adequate drainage of surface water from
14 the facility.

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

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

26 (k) An exotic animal may be kept in a shift cage while the
27 exotic animal's facility is being cleaned. The shift cage shall

1 be of a size appropriate for the exotic animal and of a
2 construction adequate to safely contain the exotic animal.

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

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

13 Sec. 7. A person transporting an exotic animal in a vehicle
14 shall comply with the standards in International Air Transport
15 Ass'n., Live Animal Regulations (26th ed., 1999) applicable to
16 the exotic animal species. In addition, a person transporting an
17 exotic animal in a vehicle shall comply with all of the following
18 requirements:

19 (a) The exotic animal shall be individually and securely
20 caged, even while inside a passenger vehicle or in the bed of a
21 truck. However, a female exotic animal and each of her unweaned
22 offspring, if any, shall be transported in the same cage.

23 (b) The vehicle shall provide fresh air without injurious
24 drafts and provide adequate protection from the elements to the
25 exotic animal.

26 (c) The exotic animal's cargo area shall be as free as
27 possible of engine exhaust fumes.

1 (d) Fecal and food wastes shall be removed from the exotic
2 animal's transport cage on at least a daily basis.

3 (e) The temperature within the exotic animal's cage shall
4 not be harmful to the exotic animal's health.

5 (f) The exotic animal's cage shall be large enough to ensure
6 that the exotic animal has sufficient space to stand erect, turn
7 around, and lie naturally.

8 (g) The exotic animal shall not be placed in a cage over or
9 next to another animal unless each enclosure has a fitted floor
10 or lateral partition that prevents excreta from entering lower or
11 adjacent enclosures.

12 (h) The exotic animal shall be given potable water at least
13 twice daily and fed at least once daily, unless otherwise
14 directed by a licensed veterinarian.

15 Sec. 8. A person shall not export or attempt to export an
16 exotic animal to another state or country unless all of the fol-
17 lowing requirements are met:

18 (a) The import and possession of the exotic animal are
19 lawful in the other state or country.

20 (b) The destination and proposed new owner of the exotic
21 animal have been approved by the regulatory agency in the other
22 state or country having authority to do so, if any.

23 Sec. 9. (1) If an exotic animal potentially exposes a human
24 to rabies by any penetration of the skin by teeth, any scratch
25 that causes penetration of the skin, any abrasion that causes
26 penetration of the skin, or contamination of open wounds or
27 mucous membranes with saliva or other infectious material, the

1 owner of the exotic animal shall report the potential exposure to
2 the local health department within 24 hours.

3 (2) If an exotic animal potentially exposes livestock or a
4 mammalian pet to rabies by any penetration of the skin by teeth,
5 any scratch that causes penetration of the skin, any abrasion
6 that causes penetration of the skin, or contamination of open
7 wounds or mucous membranes with saliva or other infectious mate-
8 rial, the owner of the exotic animal shall report the potential
9 exposure to the permitting agency within 24 hours.

10 (3) If an exotic animal potentially exposes a human, live-
11 stock, or mammalian pet to rabies by any means identified in
12 subsection (1), the exotic animal shall be humanely euthanized by
13 a veterinarian. The exotic animal shall be immediately examined
14 for rabies in the manner provided by rules promulgated under
15 section 5111 of the public health code, 1978 PA 368,
16 MCL 333.5111.

17 Sec. 10. If a rabies vaccination is or becomes approved by
18 the federal government for use on a species of exotic animal, the
19 owner of an exotic animal of that species shall have the exotic
20 animal vaccinated for rabies by a veterinarian.

21 Sec. 11. (1) A law enforcement authority or other person
22 may kill an exotic animal if the person sees the exotic animal
23 chasing or attacking either of the following:

24 (a) A person.

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

1 (2) A person is not liable in damages or otherwise for
2 killing or attempting to kill an exotic animal under subsection
3 (1).

4 (3) An exotic animal's entry onto a field or enclosure that
5 is owned by or leased by a person producing livestock or poultry
6 constitutes a trespass, and the owner of the exotic animal is
7 liable in damages.

8 Sec. 12. (1) The owner of an exotic animal is liable in a
9 civil action for the death or injury of a person and for property
10 damage, including, but not limited to, the death or injury of
11 another animal, caused by the exotic animal.

12 (2) If an exotic animal escapes or is released, intention-
13 ally or unintentionally, the owner of the exotic animal shall
14 immediately contact a law enforcement officer of the local unit
15 where the escape or release occurred to report the loss, escape,
16 or release. The owner of the exotic animal is liable for all
17 expenses associated with efforts to recapture the exotic animal
18 that is released or escapes.

19 (3) The owner of the exotic animal may bring against a
20 person who is responsible in whole or part for the escape or
21 release of the exotic animal a civil action for damages, includ-
22 ing, but not limited to, damages and expenses under subsections
23 (1) and (2).

24 Sec. 13. (1) The facility where an exotic animal is kept in
25 captivity is subject to inspection at reasonable hours by a law
26 enforcement authority to ensure compliance with this act.

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

4 (a) Issue to the owner of the exotic animal a notice of the
5 violation under section 14.

6 (b) Arrest the owner of the exotic animal or seek a warrant
7 for his or her arrest, as appropriate under chapter IV of the
8 code of criminal procedure, 1927 PA 175, MCL 764.1 to 764.29, for
9 a misdemeanor under section 15.

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

11 Sec. 14. (1) If there is probable cause to believe this act
12 is being violated, a law enforcement authority may give notice of
13 the violation in writing to the owner of the exotic animal. The
14 notice shall identify the violation and include a copy of this
15 act.

16 (2) Not more than 30 days after the notice is delivered, the
17 owner of the exotic animal shall transfer the exotic animal or,
18 subject to subsection (3), correct the violation and shall notify
19 the law enforcement authority of the action taken.

20 (3) If the violation was failure to obtain a permit and the
21 violation was committed knowingly, not more than 14 days after
22 the notice is delivered, the owner of the exotic animal shall
23 transfer the exotic animal and notify the law enforcement author-
24 ity of the action taken.

25 (4) An exotic animal transferred under subsection (2) or (3)
26 shall be transferred to a person described in section 22(a), (b),
27 (c), or (d). Notice that the exotic animal was transferred under

1 this subsection shall include evidence of the transfer
2 satisfactory to the law enforcement authority.

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

12 (6) If the law enforcement authority finds that the owner of
13 the exotic animal has not complied with subsection (2) or (3),
14 the law enforcement authority shall seek forfeiture of the exotic
15 animal under section 16.

16 Sec. 15. A person who violates this act, other than a law
17 enforcement authority, veterinarian, or permitting agency, is
18 guilty of a misdemeanor. The person shall be punished by a fine
19 of not less than \$250.00, plus costs of prosecution, or if the
20 person failed to obtain a permit for the exotic animal, by a fine
21 of not less than \$500.00, plus costs of prosecution. In addi-
22 tion, the person may be punished by 1 or more of the following:

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

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

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

1 Sec. 16. (1) If a person who owns or possesses an exotic
2 animal violates this act, that exotic animal and any other exotic
3 animal owned by that person is subject to civil forfeiture.

4 (2) The prosecuting attorney in an action under section 15
5 may file a petition requesting that the court issue an order for
6 civil forfeiture of all of the exotic animals owned by the person
7 violating this act.

8 (3) Any person may file with a court having jurisdiction a
9 complaint alleging that a person is violating this act and
10 requesting the court to order the civil forfeiture of all of the
11 exotic animals owned by that person.

12 Sec. 17. (1) A law enforcement officer shall seize an
13 exotic animal pursuant to an order of seizure issued by the court
14 having jurisdiction over the exotic animal upon a showing of
15 probable cause that the exotic animal is subject to forfeiture
16 under section 16(1).

17 (2) An exotic animal subject to forfeiture under section
18 16(1) may be seized without process under any of the following
19 circumstances:

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

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

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

25 (d) There is probable cause to believe that the conditions
26 under which the exotic animal or any other exotic animal owned by

1 the same person is kept are directly or indirectly dangerous to
2 human or animal health or safety.

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

6 (f) The exotic animal or any other exotic animal owned by
7 the same person is the subject of a prior judgment in favor of
8 this state in a forfeiture proceeding.

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

11 (4) An exotic animal seized under this act is not subject to
12 any other action to recover personal property, but is considered
13 to be in the custody of the seizing agency subject only to sub-
14 section (5) and sections 18 and 19, or to an order and judgment
15 of the court having jurisdiction over the forfeiture
16 proceedings. When an exotic animal is seized under this act, the
17 law enforcement authority may remove the exotic animal to a place
18 designated by the court.

19 (5) An exotic animal that belongs to the victim of a crime
20 shall promptly be returned to the victim, except in the following
21 circumstances:

22 (a) When the crime victim last possessed the exotic animal,
23 he or she was in violation of section 4.

24 (b) If the ownership of the exotic animal is disputed, until
25 the dispute is resolved.

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

4 Sec. 18. (1) A law enforcement authority may return a
5 seized exotic animal to the owner of the exotic animal if the law
6 enforcement authority is satisfied that the conditions resulting
7 in the seizure have been corrected. If the exotic animal was
8 seized pursuant to process issued by a court, the law enforcement
9 authority shall obtain approval of the court before returning the
10 exotic animal.

11 (2) Unless the exotic animal has been returned, the law
12 enforcement authority shall, within 10 days after the exotic
13 animal is seized, give written notice of the seizure and intent
14 to forfeit the exotic animal to each of the following persons:

15 (a) The owner of the exotic animal.

16 (b) Any person who was injured or whose property was damaged
17 by the exotic animal.

18 (3) The notice required under subsection (2) shall be deliv-
19 ered in person or sent by certified mail. If the name and
20 address of the person are not reasonably ascertainable or per-
21 sonal delivery of the notice cannot reasonably be accomplished,
22 the notice shall be published in a newspaper of general circula-
23 tion in the county in which the exotic animal was seized for 10
24 successive publishing days. Proof of written notice or publica-
25 tion shall be filed with the court having jurisdiction over the
26 seizure or forfeiture.

1 (4) The law enforcement authority shall immediately after
2 seizure of the exotic animal notify the prosecuting attorney for
3 the county in which the exotic animal was seized or, if the
4 attorney general is actively handling a case involving or relat-
5 ing to the exotic animal, the attorney general of the seizure of
6 the exotic animal and any intent to forfeit the exotic animal
7 under this act.

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

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

20 (3) If the attorney general or the attorney for the local
21 unit in which the exotic animal was seized fails to sustain his
22 or her burden of proof under subsection (2), the court shall
23 order the return of the exotic animal.

24 (4) The testimony of a person at a hearing held under this
25 section is not admissible against him or her in any criminal pro-
26 ceeding except in a criminal prosecution for perjury. The
27 testimony of a person at a hearing held under this section does

1 not waive the person's constitutional right against
2 self-incrimination.

3 Sec. 20. (1) A law enforcement authority shall return a
4 seized exotic animal to the owner of the exotic animal within 7
5 days after the occurrence of any of the following:

6 (a) The failure to issue a warrant against the owner of the
7 exotic animal for committing a misdemeanor under section 15 or to
8 file a complaint under section 16(3) within 10 days after the
9 exotic animal is seized.

10 (b) The dismissal of charges against the owner of the exotic
11 animal under section 15 or of a complaint under section 16(3), as
12 applicable.

13 (c) The court's determination that an order for the exotic
14 animal to be forfeited shall not be entered.

15 (d) The acquittal of the owner of the exotic animal of any
16 charges under section 15.

17 (e) Entry of a court order under this act for the return of
18 the exotic animal.

19 (2) If an exotic animal is returned under subsection (1),
20 the law enforcement authority shall give written notice to the
21 persons who received notice under section 18 that the exotic
22 animal has been returned. The notice under this subsection shall
23 be delivered in person or sent by certified mail. If the name
24 and address of the person are not reasonably ascertainable or
25 personal delivery of the notice cannot reasonably be accom-
26 plished, the notice shall be published in a newspaper of general

1 circulation in the county in which the exotic animal was seized
2 for 10 successive publishing days.

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

16 (4) If an exotic animal is seized, the owner of the exotic
17 animal is liable for the costs of placement and care for the
18 exotic animal from the time of seizure until the time of return
19 or forfeiture and, if an exotic animal is ordered to be forfeited
20 and euthanized, for the costs of humanely euthanizing and dispos-
21 ing of the exotic animal. This subsection does not apply if the
22 exotic animal is returned under subsection (1) or section 19.

23 Sec. 21. (1) A local unit may adopt an ordinance governing
24 exotic animals that is more restrictive than this act.

25 (2) The requirements of this act are in addition to any
26 other requirements governing an exotic animal under state and
27 federal law.

1 Sec. 22. Section 4 does not apply to any of the following:

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

3 (b) A person licensed or approved by the department of natu-
4 ral resources of this state or by the United States fish and
5 wildlife service of the United States department of the
6 interior.

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

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

10 (e) A law enforcement officer acting under the authority of
11 this act.

12 (f) A veterinarian temporarily in possession of an exotic
13 animal to provide veterinary care for or humanely euthanize the
14 exotic animal.

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