



Senate Fiscal Agency  
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BILL ANALYSIS

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Senate Bill 346 (Substitute S-1 as passed by the Senate)  
Sponsor: Senator Gerald Van Woerkom  
Committee: Judiciary

Date Completed: 1-17-08

### **RATIONALE**

There is no requirement in Michigan law for a dog owner, or another individual responsible for a dog, to identify himself or herself or provide information as to the dog's health and vaccinations when a dog bites a person. Since a dog-bite victim who does not have access to relevant information about the dog may have to undergo extensive and painful rabies treatments, some people believe that an adult who has responsibility for a dog should be required to identify himself or herself and provide veterinary information to a person bitten by the dog, and that failure to do so should be a criminal offense.

### **CONTENT**

**The bill would amend the Michigan Penal Code to specify the responsibilities of a person 18 years of age or older who was responsible for controlling the actions of a dog or wolf-dog cross that bit a person, and to prescribe a criminal penalty for failing to fulfill those responsibilities.** The bill would take effect on April 1, 2008.

Under the bill, if a person described above knew or had reason to know that the dog or wolf-dog cross had bitten any individual, the person would have to give that individual both of the following:

- His or her name and address and, if the person responsible for controlling the animal did not own it, the name and address of the owner.
- Information, if known by the person, as to whether the dog or wolf-dog cross was current on all legally required vaccinations.

In addition, a person who was at least 18 and was responsible for controlling the actions of a dog or wolf-dog cross who knew or had reason to know that the animal had bitten any individual would have to remain on the scene until the bill's requirements were fulfilled.

A violation of the bill would be a misdemeanor punishable by up to 93 days' imprisonment and/or a maximum fine of \$500.

The bill would not apply if an individual were bitten by a police dog (a dog used by a State or local law enforcement agency that is trained for law enforcement work and subject to the control of a dog handler).

"Dog" and "wolf-dog cross" would mean those terms as defined in the Wolf-Dog Cross Act (MCL 287.1002). (Under that Act, "dog" means an animal of the species *Canis familiaris* or *Canis lupus familiaris*. "Wolf-dog cross" means mean a canid resulting from the breeding of any of the following: a wolf with a dog; a wolf-dog cross with a wolf; a wolf-dog cross with a dog; or a wolf-dog cross with a wolf-dog cross.)

Proposed MCL 750.66

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

When an adult responsible for the actions of a dog knows that the dog has bitten someone, it stands to reason that he or she

should give the bite victim identifying information as well as information about the animal's vaccinations. Without a legal requirement that the person provide that information, however, dog owners may simply ignore requests for it. Indeed, the Senate Judiciary received written testimony from a woman who was attacked by a pit bull while walking her own dog. The pit bull's owners had just left the house from which the dog escaped, and came back to return it to the house, but refused to acknowledge the woman who was bitten or answer any of her questions, according to the testimony.

Without knowing whether an offending dog is current on its rabies vaccination, a victim of a dog bite may have to pursue his or her own rabies treatment, which reportedly includes a series of painful shots. Under the bill, a victim would know whether he or she needed to seek treatment for rabies and would have contact information for the dog's owner, which the victim could report to law enforcement or health officials.

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on local government. There are no data to indicate how many offenders would be convicted of leaving the scene of a dog bite incident without fulfilling the requirements of the bill. Local governments would incur the costs of misdemeanor probation and incarceration in local facilities, which vary by county. Additional penal fine revenue would benefit public libraries.

Fiscal Analyst: Lindsay Hollander

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.