



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 346 (as enacted)
House Bill 4065 (as enacted)
Sponsor: Senator Gerald Van Woerkom (S.B. 346)
Representative Jeff Mayes (H.B. 4065)
Senate Committee: Judiciary
House Committee: Judiciary

PUBLIC ACT 205 of 2008
PUBLIC ACT 206 of 2008

Date Completed: 1-26-09

RATIONALE

Until recently, there was 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 bit 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, it was suggested 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.

Under both bills, "dog" and "wolf-dog cross" 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 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.)

Senate Bill 346

Under the bill, if a person described above knows or has reason to know that the dog or wolf-dog cross has bitten another person, the person must give both of the following to the person who was bitten:

- The name and address of the person responsible for controlling the animal and, if he or she does 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 is current on all legally required vaccinations.

CONTENT

Senate Bill 346 and House Bill 4065 amended the Michigan Penal Code to specify the responsibilities of a person 18 years of age or older who is responsible for controlling the actions of a dog or wolf-dog cross that bites a person, and to prescribe a criminal penalty for failing to fulfill those responsibilities.

House Bill 4065

The bills were tie-barred and took effect on January 1, 2009.

Neither bill applies if an individual is 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).

Under the bill, a person who is at least 18 and is responsible for controlling the actions of a dog or wolf-dog cross who knows or has reason to know that the animal has bitten another person must remain on the scene

until the requirements of Senate Bill 346 are fulfilled.

county. Additional penal fine revenue will benefit public libraries.

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

Fiscal Analyst: Lindsay Hollander

MCL 750.66 (S.B. 346)
750.66a (H.B. 4065)

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 could 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 bills, a victim will know whether he or she needs to seek treatment for rabies and will have contact information for the dog's owner, which the victim may report to law enforcement or health officials.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills will have an indeterminate fiscal impact on local government. There are no data to indicate how many offenders will be convicted of leaving the scene of a dog bite incident without fulfilling the bills' requirements. Local governments will incur the costs of misdemeanor probation and incarceration in local facilities, which vary by

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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.