



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

House Bill 4552 (Substitute H-4 as passed by the House)  
Sponsor: Representative Pam Byrnes  
House Committee: Judiciary  
Senate Committee: Judiciary

Date Completed: 3-17-08

### **CONTENT**

**The bill would amend the Michigan Penal Code to do all of the following:**

- **Revise the prohibitions against animal abuse.**
- **Specify that the penalty for a violation would not prohibit a person from being punished for any other violation arising out of the same criminal transaction.**
- **Authorize the sentencing court to impose consecutive sentences.**
- **Exempt the practice of veterinary medicine from the prohibition and penalty.**

Under the Code, it is a felony, punishable by up to four years' imprisonment, a maximum fine of \$5,000, up to 500 hours of community service, or any combination of those penalties, for a person to do any of the following:

- Willfully, maliciously, and, without just cause or excuse, kill, torture, mutilate, maim, or disfigure an animal.
- Willfully and maliciously and, without just cause or excuse, administer poison to an animal.
- Expose an animal to any poisonous substance, other than one that is used for therapeutic veterinary medicinal purposes, with the intent that the animal take or swallow the substance.

Under the bill, that penalty would apply, instead, to a person who intentionally and without just cause did either of the following:

- Killed, tortured, mutilated, maimed, or disfigured an animal.
- Administered poison to an animal, or exposed an animal to any poisonous substance with the intent that the animal take or swallow the substance.

The bill specifies that the prohibition and penalty would not prohibit a person from being charged with, convicted of, or punished for any other violation of law arising out of the same transaction as the animal abuse violation. In addition, the court could order a term of imprisonment imposed for a violation to be served consecutively to a term of imprisonment imposed for any other crime, including a violation arising out of the same transaction.

The bill specifies that the animal abuse prohibition and penalty would not apply to a veterinarian or a veterinary technician lawfully engaging in the practice of veterinary medicine under Part 188 of the Public Health Code.

## **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of animal cruelty. To the extent that consecutive sentencing would result in increased incarceration time, local governments would incur increased costs of incarceration in local facilities, which vary by county. The State would incur increased costs of incarceration in a State facility at an average annual cost of \$33,000. 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.