

SUBSTITUTE FOR
HOUSE BILL NO. 4552

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 50b (MCL 750.50b), as amended by 1996 PA 80.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 50b. (1) As used in this section, "animal" means any
2 vertebrate other than a human being.

3 (2) A person ~~who willfully, maliciously and without just cause~~
4 ~~or excuse kills, tortures, mutilates, maims, or disfigures~~ **SHALL**
5 **NOT DO EITHER OF THE FOLLOWING:**

6 **(A) INTENTIONALLY KILL, TORTURE, MUTILATE, MAIM OR DISFIGURE**
7 an animal ~~or who willfully and maliciously and without just cause~~
8 ~~or excuse administers~~ **WITHOUT JUST CAUSE.**

9 **(B) INTENTIONALLY ADMINISTER** poison to an animal **WITHOUT JUST**

1 **CAUSE**, or ~~exposes~~ **EXPOSE** an animal to any poisonous substance ~~7~~
2 ~~other than a substance that is used for therapeutic veterinary~~
3 ~~medical purposes~~ **WITHOUT JUST CAUSE**, with the intent that the
4 substance be taken or swallowed by the animal. ~~7~~

5 (3) **A PERSON WHO VIOLATES SUBSECTION (2)** is guilty of a felony
6 ~~7~~ punishable by imprisonment ~~1~~ **OR MORE OF THE FOLLOWING:**

7 (A) **IMPRISONMENT** for not more than 4 years. ~~7~~ ~~or by a~~

8 (B) **A** fine of not more than \$5,000.00. ~~7~~ ~~or community~~

9 (C) **COMMUNITY** service for not more than 500 hours. ~~or any~~
10 ~~combination of these penalties.~~

11 (4) **THIS SECTION DOES NOT PROHIBIT A PERSON FROM BEING CHARGED**
12 **WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION OF LAW**
13 **ARISING OUT OF THE SAME TRANSACTION AS THE VIOLATION OF THIS**
14 **SECTION.**

15 (5) **THE COURT MAY ORDER A TERM OF IMPRISONMENT IMPOSED FOR A**
16 **VIOLATION OF THIS SECTION TO BE SERVED CONSECUTIVELY TO A TERM OF**
17 **IMPRISONMENT IMPOSED FOR ANY OTHER CRIME INCLUDING ANY OTHER**
18 **VIOLATION OF LAW ARISING OUT OF THE SAME TRANSACTION AS THE**
19 **VIOLATION OF THIS SECTION.**

20 (6) ~~(3)~~ As a part of the sentence for a violation of
21 subsection (2), the court may order the defendant to pay the costs
22 of the prosecution and the costs of the care, housing, and
23 veterinary medical care for the impacted animal victim, as
24 applicable. If the court does not order a defendant to pay all of
25 the applicable costs listed in this subsection, or orders only
26 partial payment of these costs, the court shall state on the record
27 the reasons for that action.

1 (7) ~~(4)~~—If a term of probation is ordered for a violation of
2 subsection (2), the court may order ~~—~~as a **TERM OF SENTENCING,**
3 **INCLUDING, BUT NOT LIMITED TO, A** condition of probation, that the
4 defendant be evaluated to determine the need for psychiatric or
5 psychological counseling, and, if determined appropriate by the
6 court, to receive psychiatric or psychological counseling at his or
7 her own expense.

8 (8) ~~(5)~~—As a part of the sentence for a violation of
9 subsection (2), the court may order the defendant not to own or
10 possess an animal for any period of time determined by the court,
11 which may include permanent relinquishment.

12 (9) ~~(6)~~—A person who owns or possesses an animal in violation
13 of an order issued under subsection ~~(5)~~—(8) is subject to
14 revocation of probation if the order is issued as a condition of
15 probation. A person who owns or possesses an animal in violation of
16 an order issued under subsection ~~(5)~~—(8) is also subject to the
17 civil and criminal contempt power of the court, and if found guilty
18 of criminal contempt, may be punished by imprisonment for not more
19 than 90 days, or by a fine of not more than \$500.00, or both.

20 (10) ~~(7)~~—This section does not prohibit the lawful killing of
21 livestock or a customary animal husbandry or farming practice
22 involving livestock. As used in this subsection, "livestock" ~~has~~
23 ~~the meaning attributed to the~~ **MEANS THAT** term **AS DEFINED** in the
24 animal industry act of 1987, ~~Act No. 466 of the Public Acts of~~
25 ~~1988, being sections 287.701 to 287.747 of the Michigan Compiled~~
26 ~~Laws~~ **1988 PA 466, MCL 287.701 TO 287.745.**

27 (11) ~~(8)~~—This section does not prohibit the lawful killing of

an animal pursuant to any of the following:

(a) Fishing.

(b) Hunting, trapping, or wildlife control regulated pursuant to ~~part 401 (wildlife conservation) of~~ **UNDER** the natural resources and environmental protection act, ~~Act No. 451 of the Public Acts of 1994, being sections 324.40101 to 324.40119 of the Michigan Compiled Laws 1994 PA 451, MCL 324.101 TO 324.90106,~~ and orders issued under that act.

(c) Pest or rodent control regulated pursuant to ~~UNDER~~ part 83 ~~(pesticide control) of Act No. 451 of the Public Acts of 1994, being sections 324.8301 to 324.8336 of the Michigan Compiled Laws~~ **OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.8301 TO 324.8336.**

(d) Activities authorized pursuant to ~~UNDER~~ rules promulgated under section 9 of the executive organization act of 1965, ~~Act No. 380 of the Public Acts of 1965, being section 16.109 of the Michigan Compiled Laws 1965 PA 380, MCL 16.109.~~

(12) ~~(9)~~ This section does not prohibit the lawful killing or use of an animal for scientific research pursuant to ~~UNDER~~ any of the following or a rule promulgated pursuant to ~~UNDER~~ any of the following:

(a) ~~Act No. 224 of the Public Acts of 1969, being sections 287.381 to 287.395 of the Michigan Compiled Laws 1969 PA 224, MCL 287.381 TO 287.395.~~

(b) Sections 2226, 2671, 2676, 7109, and 7333 of the public health code, ~~Act No. 368 of the Public Acts of 1978, being sections 333.2226, 333.2671, 333.2676, 333.7109, and 333.7333 of the~~

1 ~~Michigan Compiled Laws~~ 1978 PA 368, MCL 333.2226, 333.2671,
2 333.2676, 333.7109, AND 333.7333.

3 (13) THIS SECTION DOES NOT APPLY TO A VETERINARIAN OR A
4 VETERINARY TECHNICIAN LAWFULLY ENGAGING IN THE PRACTICE OF
5 VETERINARY MEDICINE UNDER PART 188 OF THE PUBLIC HEALTH CODE, 1978
6 PA 368, MCL 333.18801 TO 333.18838.

7 Enacting section 1. This amendatory act takes effect January
8 1, 2008.