

SUBSTITUTE FOR
HOUSE BILL NO. 6007

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-EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A person~~
4 ~~who willfully, maliciously and without just cause or excuse kills,~~
5 ~~tortures, mutilates, maims, or disfigures~~ **SHALL NOT DO ANY OF THE**
6 **FOLLOWING WITHOUT JUST CAUSE:**

7 **(A) KNOWINGLY KILL, TORTURE, MUTILATE, MAIM, OR DISFIGURE** an
8 animal. ~~or who willfully and maliciously and without just cause or~~
9 ~~excuse administers~~

(B) COMMIT A RECKLESS ACT KNOWING OR HAVING REASON TO KNOW THAT THE ACT WILL CAUSE AN ANIMAL TO BE KILLED, TORTURED, MUTILATED, MAIMED, OR DISFIGURED.

(C) KNOWINGLY ADMINISTER poison to an animal, or ~~exposes~~ KNOWINGLY EXPOSE an animal to any poisonous substance, ~~other than a substance that is used for therapeutic veterinary medical purposes~~ ~~with the intent that the substance be taken or swallowed by the~~ animal. ~~7~~

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

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

(B) A fine of not more than \$5,000.00 ~~7~~ ~~or community~~ FOR A SINGLE ANIMAL AND \$2,500.00 FOR EACH ADDITIONAL ANIMAL INVOLVED IN THE VIOLATION, BUT NOT TO EXCEED A TOTAL OF \$20,000.00.

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

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

(5) ~~(4)~~ If a term of probation is ordered AS PART OF THE SENTENCE for a violation of subsection (2), the court ~~may~~ SHALL order ~~7~~ ~~as a condition of probation~~ that the defendant be

1 evaluated to determine the need for psychiatric or psychological
2 counseling ~~and~~, if determined appropriate by the court, to
3 receive psychiatric or psychological counseling at his or her own
4 expense.

5 (6) ~~(5)~~As a part of the sentence for a violation of
6 subsection (2), the court may order the defendant not to own or
7 possess an animal for any period of time determined by the court,
8 which may include permanent relinquishment.

9 (7) ~~(6)~~A person who owns or possesses an animal in violation
10 of an order issued under subsection ~~(5)~~(6) is subject to
11 revocation of probation if the order is issued as a condition of
12 probation. A person who owns or possesses an animal in violation of
13 an order issued under subsection ~~(5)~~(6) is also subject to the
14 civil and criminal contempt power of the court ~~and~~, if found
15 guilty of criminal contempt, may be punished by imprisonment for
16 not more than 90 days ~~or by~~ a fine of not more than \$500.00, or
17 both.

18 (8) ~~(7)~~This section does not prohibit the lawful killing of
19 livestock or a customary animal husbandry or farming practice
20 involving livestock. As used in this subsection, "livestock" ~~has~~
21 ~~the meaning attributed to the~~ **MEANS THAT** term **AS DEFINED** in **SECTION**
22 **5 OF** the animal industry act, ~~of 1987, Act No. 466 of the Public~~
23 ~~Acts of 1988, being sections 287.701 to 287.747 of the Michigan~~
24 ~~Compiled Laws 1988 PA 466, MCL 287.705.~~

25 (9) ~~(8)~~This section does not prohibit the lawful killing of
26 an animal pursuant to any of the following:

27 (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 ~~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 ~~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.~~

(E) SECTION 19 OF THE DOG LAW OF 1919, 1919 PA 339, MCL 287.279.

(10) ~~(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 (11) 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, 2009.