

HOUSE BILL No. 4552

March 29, 2007, Introduced by Reps. Byrnes, Rocca, Alma Smith, Espinoza, Ebli, Hansen, LeBlanc, Rick Jones, Mayes, Gaffney, Wojno, Ball, Byrum, Polidori, Brown, Kathleen Law, Jackson, Lemmons, Young, Gonzales, Hammon, Hammel, Hopgood and Bieda and referred to the Committee on Judiciary.

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 an
5 animal or who willfully and maliciously and without just cause or
6 excuse administers poison to an animal, or exposes an animal to any
7 poisonous substance, other than a substance that is used for
8 therapeutic veterinary medical purposes, with the intent that the
9 substance be taken or swallowed by the animal, is guilty of a
10 felony, punishable by imprisonment for not more than 4 years, or by

1 a fine of not more than \$5,000.00 **FOR EACH ANIMAL AFFECTED**, or
2 community service for not more than 500 hours, or any combination
3 of these penalties. **A SENTENCE IMPOSED FOR A VIOLATION OF THIS**
4 **SUBSECTION MAY BE IMPOSED TO RUN CONSECUTIVELY TO A SENTENCE**
5 **IMPOSED FOR ANY OTHER CONVICTION THAT ARISES OUT OF THE SAME**
6 **TRANSACTION OR ANY OTHER CONVICTION UNDER THIS SUBSECTION.**

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

15 (4) If a term of probation is ordered for a violation of
16 subsection (2), the court may order, as a condition of probation,
17 that the defendant be evaluated to determine the need for
18 psychiatric or psychological counseling, and, if determined
19 appropriate by the court, to receive psychiatric or psychological
20 counseling at his or her own expense.

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

25 (6) A person who owns or possesses an animal in violation of
26 an order issued under subsection (5) is subject to revocation of
27 probation if the order is issued as a condition of probation. A

1 person who owns or possesses an animal in violation of an order
2 issued under subsection (5) is also subject to the civil and
3 criminal contempt power of the court, and if found guilty of
4 criminal contempt, may be punished by imprisonment for not more
5 than 90 days, or by a fine of not more than \$500.00, or both.

6 (7) This section does not prohibit the lawful killing of
7 livestock or a customary animal husbandry or farming practice
8 involving livestock. As used in this subsection, "livestock" ~~has~~
9 ~~the meaning attributed to the~~ **MEANS THAT** term **AS DEFINED** in **SECTION**
10 **5 OF** the animal industry act, ~~of 1987, Act No. 466 of the Public~~
11 ~~Acts of 1988, being sections 287.701 to 287.747 of the Michigan~~
12 ~~Compiled Laws 1988 PA 466, MCL 287.705.~~

13 (8) This section does not prohibit the lawful killing of an
14 animal pursuant to any of the following:

15 (a) Fishing.

16 (b) Hunting, trapping, or wildlife control regulated ~~pursuant~~
17 ~~to~~ **UNDER** part 401 ~~(wildlife conservation)~~ of the natural resources
18 and environmental protection act, ~~Act No. 451 of the Public Acts of~~
19 ~~1994, being sections 324.40101 to 324.40119 of the Michigan~~
20 ~~Compiled Laws 1994 PA 451, MCL 324.40101 TO 324.40120,~~ and orders
21 issued under that act.

22 (c) Pest or rodent control regulated ~~pursuant to~~ **UNDER** part 83
23 ~~(pesticide control)~~ of ~~Act No. 451 of the Public Acts of 1994,~~
24 ~~being sections 324.8301 to 324.8336 of the Michigan Compiled Laws~~
25 **THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA**
26 **451, MCL 324.8301 TO 324.8336.**

27 (d) Activities authorized ~~pursuant to~~ **UNDER** rules promulgated

1 ~~under section 9 of the executive organization act of 1965, Act No.~~
2 ~~380 of the Public Acts of 1965, being section 16.109 of the~~
3 ~~Michigan Compiled Laws~~ **CHAPTER 3 OF THE ADMINISTRATIVE PROCEDURES**
4 **ACT OF 1969, 1969 PA 306, MCL 24.231 TO 24.264.**

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

9 (a) ~~Act No. 224 of the Public Acts of 1969, being sections~~
10 ~~287.381 to 287.395 of the Michigan Compiled Laws~~ **1969 PA 224, MCL**
11 **287.381 TO 287.395.**

12 (b) Sections 2226, 2671, 2676, 7109, and 7333 of the public
13 health code, ~~Act No. 368 of the Public Acts of 1978, being sections~~
14 ~~333.2226, 333.2671, 333.2676, 333.7109, and 333.7333 of the~~
15 ~~Michigan Compiled Laws~~ **1978 PA 368, MCL 333.2226, 333.2671,**
16 **333.2676, 333.7109, AND 333.7333.**