

# SENATE BILL No. 316

March 3, 2009, Introduced by Senator GLEASON and referred to the Committee on Judiciary.

A bill to amend 1988 PA 426, entitled

"An act to regulate dangerous animals; to provide for the confinement, tattooing, or destruction of dangerous animals; and to provide penalties for the owners or keepers of dangerous animals that attack human beings,"

by amending sections 1 and 2 (MCL 287.321 and 287.322).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. As used in this act:

2       (a) "Dangerous animal" means a dog or other animal that bites  
3 or attacks a person, or a dog **OR OTHER ANIMAL** that bites or attacks  
4 and causes serious injury or death to ~~another dog~~ **A DOMESTIC ANIMAL**  
5 while the ~~other dog~~ **DOMESTIC ANIMAL** is on the property or under the  
6 control of its owner. However, a dangerous animal does not include  
7 any of the following:

8       (i) An animal that bites or attacks a person who is knowingly

1 trespassing on the property of the animal's owner.

2       (ii) An animal that bites or attacks a person who provokes or  
3 torments the animal.

4       (iii) An animal that is responding in a manner that an ordinary  
5 and reasonable person would conclude was designed to protect a  
6 person if that person is engaged in a lawful activity or is the  
7 subject of an assault.

8       (iv) Livestock.

9       **(B) "DOMESTIC ANIMAL" MEANS A DOG, CAT, OR OTHER ANIMAL THAT**  
10 **IS KEPT AS A HOUSEHOLD PET.**

11       **(C)** ~~(b)~~—"Livestock" means animals used for human food and  
12 fiber or animals used for service to human beings. Livestock  
13 includes, but is not limited to, cattle, swine, sheep, llamas,  
14 goats, bison, equine, poultry, and rabbits. Livestock does not  
15 include animals that are human companions, such as dogs and cats.

16       **(D)** ~~(e)~~—"Owner" means a person who owns or harbors a dog or  
17 other animal.

18       **(E)** ~~(d)~~—"Provoke" means to perform a willful act or omission  
19 that an ordinary and reasonable person would conclude is likely to  
20 precipitate the bite or attack by an ordinary dog or animal.

21       **(F)** ~~(e)~~—"Serious injury" means permanent, serious  
22 disfigurement, serious impairment of health, or serious impairment  
23 of a bodily function of a person.

24       **(G)** ~~(f)~~—"Torment" means an act or omission that causes  
25 unjustifiable pain, suffering, and distress to an animal, or causes  
26 mental and emotional anguish in the animal as evidenced by its  
27 altered behavior, for a purpose such as sadistic pleasure,

1 coercion, or punishment that an ordinary and reasonable person  
2 would conclude is likely to precipitate the bite or attack.

3       Sec. 2. (1) Upon a sworn complaint that an animal is a  
4 dangerous animal and the animal has caused serious injury or death  
5 to a person or has caused serious injury or death to a ~~dog~~-DOMESTIC  
6 ANIMAL, a district court magistrate, district court, or a municipal  
7 court shall issue a summons to the owner ordering him or her to  
8 appear to show cause why the animal should not be destroyed.

9       (2) Upon the filing of a sworn complaint as provided in  
10 subsection (1), the court or magistrate shall order the owner to  
11 immediately turn the animal over to a proper animal control  
12 authority, an incorporated humane society, a licensed veterinarian,  
13 or a boarding kennel, at the owner's option, to be retained by them  
14 until a hearing is held and a decision is made for the disposition  
15 of the animal. The owner shall notify the person who retains the  
16 animal under this section of the complaint and order. The expense  
17 of the boarding and retention of the animal is to be borne by the  
18 owner. The animal shall not be returned to the owner until it has a  
19 current rabies vaccination and a license as required by law.

20       (3) After a hearing, the magistrate or court shall order the  
21 destruction of the animal, at the expense of the owner, if the  
22 animal is found to be a dangerous animal that caused serious injury  
23 or death to a person or a ~~dog~~-DOMESTIC ANIMAL. After a hearing, the  
24 court may order the destruction of the animal, at the expense of  
25 the owner, if the court finds that the animal is a dangerous animal  
26 that did not cause serious injury or death to a person but is  
27 likely in the future to cause serious injury or death to a person

1 or in the past has been adjudicated a dangerous animal.

2 (4) If the court or magistrate finds that an animal is a  
3 dangerous animal but has not caused serious injury or death to a  
4 person, the court or magistrate shall notify the animal control  
5 authority for the county in which the complaint was filed of the  
6 finding of the court, the name of the owner of the dangerous  
7 animal, and the address at which the animal was kept at the time of  
8 the finding of the court. In addition, the court or magistrate  
9 shall order the owner of that animal to do 1 or more of the  
10 following:

11 (a) If the animal that has been found to be a dangerous animal  
12 is of the canis familiaris species, have an identification number  
13 tattooed upon the animal, at the owner's expense, by or under the  
14 supervision of a licensed veterinarian. The identification number  
15 shall be assigned to the animal by the Michigan department of  
16 agriculture and shall be noted in its records pursuant to ~~Act No.~~  
17 ~~309 of the Public Acts of 1939, being sections 287.301 to 287.308~~  
18 ~~of the Michigan Compiled Laws 1939 PA 309, MCL 287.301 TO 287.308.~~  
19 The identification number shall be tattooed on the upper inner left  
20 rear thigh of the animal by means of indelible or permanent ink.

21 (b) Take specific steps, such as escape proof fencing or  
22 enclosure, including a top or roof, to ensure that the animal  
23 cannot escape or nonauthorized individuals cannot enter the  
24 premises.

25 (c) Have the animal sterilized.

26 (d) Obtain and maintain liability insurance coverage  
27 sufficient to protect the public from any damage or harm caused by

1 the animal.

2 (e) Take any other action appropriate to protect the public.