

HOUSE BILL No. 4300

February 21, 2013, Introduced by Rep. Kandrevas and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 70a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 70A. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION,
2 A PERSON SHALL NOT OWN OR POSSESS A NONHUMAN PRIMATE IN THIS STATE.
3 THIS SUBSECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

4 (A) A ZOO ACCREDITED BY THE ASSOCIATION OF ZOOS AND AQUARIUMS.

5 (B) AN INSTITUTION ACCREDITED BY THE ASSOCIATION FOR
6 ASSESSMENT AND ACCREDITATION OF LABORATORY ANIMAL CARE.

7 (C) A SANCTUARY ACCREDITED BY THE GLOBAL FEDERATION OF ANIMAL
8 SANCTUARIES OR THE AMERICAN SANCTUARY ASSOCIATION.

9 (D) A PERSON OR ORGANIZATION THAT HOLDS A VALID LICENSE ISSUED
10 BY THE UNITED STATES DEPARTMENT OF AGRICULTURE FOR ENGAGING IN AN

1 ACTIVITY INVOLVING A NONHUMAN PRIMATE WHILE THE PERSON OR
2 ORGANIZATION IS ENGAGED IN THE PERMITTED ACTIVITY.

3 (E) A LAW ENFORCEMENT OFFICER IN THE COURSE OF HIS OR HER
4 EMPLOYMENT AS A LAW ENFORCEMENT OFFICER.

5 (F) A VETERINARIAN IN THE COURSE OF HIS OR HER OCCUPATION AS A
6 VETERINARIAN.

7 (G) A PERMITTING AGENCY IN THE COURSE OF ITS BUSINESS OR
8 MISSION AS A PERMITTING AGENCY.

9 (H) ANIMAL CONTROL PERSONNEL OF A LOCAL UNIT OF GOVERNMENT IN
10 THE COURSE OF HIS OR HER OCCUPATION AS AN ANIMAL CONTROL OFFICER.

11 (I) A PERSON WHO OWNS OR POSSESSES A NONHUMAN PRIMATE ON THE
12 DATE THAT THE AMENDATORY ACT THAT ADDED THIS SECTION IS ENACTED
13 INTO LAW. THIS EXEMPTION ONLY APPLIES FOR THE SPECIFIC INDIVIDUAL
14 NONHUMAN PRIMATE OR PRIMATES OWNED OR POSSESSED ON THE DATE THIS
15 AMENDATORY ACT IS ENACTED INTO LAW, AND APPLIES ONLY UNTIL THE
16 DEATH OF THAT NONHUMAN PRIMATE OR NONHUMAN PRIMATES.

17 (2) A PERSON SHALL NOT TRANSFER THE OWNERSHIP OR POSSESSION OF
18 A NONHUMAN PRIMATE, EXCEPT TO A PERSON, ENTITY, ORGANIZATION, OR
19 AGENCY DESCRIBED IN SUBSECTION (1) (A), (B), (C), (D), (E), (F),
20 (G), OR (H).

21 (3) A PERSON SHALL NOT BREED, OR CAUSE TO BE BRED, A NONHUMAN
22 PRIMATE, EXCEPT BY A PERSON, ENTITY, OR ORGANIZATION DESCRIBED IN
23 SUBSECTION (1) (A) OR (B).

24 (4) A PERSON SHALL NOT IMPORT A NONHUMAN PRIMATE INTO THIS
25 STATE UNLESS BOTH OF THE FOLLOWING CONDITIONS ARE SATISFIED:

26 (A) THE PERSON OBTAINS PRIOR AUTHORIZATION OF THE DEPARTMENT
27 OF AGRICULTURE AND RURAL DEVELOPMENT OF THIS STATE.

1 (B) THE PERSON ADMINISTERS, OR CAUSES TO BE ADMINISTERED,
2 UNIQUE AND PERMANENT IDENTIFICATION FOR EACH NONHUMAN PRIMATE.

3 (5) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
4 MISDEMEANOR PUNISHABLE BY PERMANENT REMOVAL OF THE NONHUMAN PRIMATE
5 FROM THE DEFENDANT'S POSSESSION AND 1 OR MORE OF THE FOLLOWING:

6 (A) IMPRISONMENT FOR NOT MORE THAN 93 DAYS.

7 (B) COMMUNITY SERVICE FOR NOT MORE THAN 500 HOURS.

8 (C) A FINE OF NOT LESS THAN \$500.00 OR MORE THAN \$1,000.00.

9 Enacting section 1. This amendatory act takes effect 90 days
10 after the date it is enacted into law.