

HOUSE BILL No. 5721

August 13, 2014, Introduced by Rep. McCann and referred to the Committee on Criminal Justice.

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, 2, and 3 (MCL 287.321, 287.322, and 287.323) and by adding sections 2a, 2b, 2c, 2d, 2e, 3a, and 3b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (A) "ANIMAL CONTROL DEPARTMENT" MEANS AN ANIMAL CONTROL
3 SHELTER AS THAT TERM IS DEFINED IN SECTION 1 OF 1969 PA 287, MCL
4 287.331.

5 (B) "ATTACK" MEANS THE DELIBERATE ACTION OF AN ANIMAL, WHETHER
6 OR NOT IN RESPONSE TO A COMMAND BY ITS OWNER, TO BITE, SEIZE WITH
7 ITS TEETH, OR PURSUE A PERSON OR DOMESTIC ANIMAL WITH THE OBVIOUS

1 INTENT TO KILL, WOUND, INJURE, OR OTHERWISE HARM THE PERSON OR
2 DOMESTIC ANIMAL.

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

9 (i) An animal that bites or attacks a person who is knowingly
10 trespassing on the property of the animal's owner.

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

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

17 (iv) Livestock.

18 (D) "DANGEROUS DOG" MEANS 1 OR MORE OF THE FOLLOWING, SUBJECT
19 TO SUBDIVISION (E):

20 (i) A DOG THAT HAS BEEN DETERMINED TO BE A POTENTIALLY
21 DANGEROUS DOG WHOSE OWNER HAS BEEN GIVEN NOTICE THAT THE DOG IS A
22 POTENTIALLY DANGEROUS DOG, IF 1 OR MORE OF THE FOLLOWING ARE
23 SATISFIED:

24 (A) THE DOG BITES, ATTACKS, OR THREATENS THE SAFETY OF A HUMAN
25 OR A DOMESTIC ANIMAL.

26 (B) THE DOG CONTINUES THE BEHAVIOR DESCRIBED IN SUBDIVISION
27 (I) .

1 (C) THE DOG IS MAINTAINED IN VIOLATION OF THIS ACT.

2 (ii) A DOG THAT KILLS OR INFLECTS SEVERE INJURY ON A HUMAN
3 WITHOUT PROVOCATION.

4 (iii) A DOG THAT KILLS A DOMESTIC ANIMAL WITHOUT PROVOCATION, IF
5 THE DOG IS NOT ON ITS OWNER'S REAL PROPERTY.

6 (iv) A DOG THAT HAS BEEN USED OR TRAINED FOR DOG FIGHTING.

7 (v) A DOG THAT HAS COMMITTED AT LEAST 3 REPORTED AND
8 DOCUMENTED BITES WITHOUT PROVOCATION.

9 (E) "DANGEROUS DOG" OR "POTENTIALLY DANGEROUS DOG" DOES NOT
10 INCLUDE A DOG THAT THREATENS, INJURES, OR DAMAGES A PERSON, ANIMAL,
11 OR PROPERTY UNDER 1 OR MORE OF THE FOLLOWING CIRCUMSTANCES:

12 (i) A PERSON WAS COMMITTING A WILLFUL TRESPASS OR OTHER
13 UNLAWFUL CONDUCT UPON THE OWNER'S REAL PROPERTY.

14 (ii) A PERSON WAS INTENTIONALLY PROVOKING, TORMENTING, ABUSING,
15 OR ASSAULTING THE DOG, ITS OWNER, OR A FAMILY MEMBER OF THE OWNER.

16 (iii) A PERSON WAS COMMITTING OR ATTEMPTING TO COMMIT A CRIME.

17 (iv) A DOMESTIC ANIMAL WAS ATTACKING OR MENACING THE DOG.

18 (v) AN ANIMAL WAS ATTACKING OR MENACING THE DOG WHILE ON THE
19 OWNER'S REAL PROPERTY.

20 (vi) THE DOG WAS RESPONDING TO PAIN OR INJURY OR PROTECTING ITS
21 OFFSPRING.

22 (vii) THE DOG WAS PROTECTING OR DEFENDING A PERSON WITHIN THE
23 IMMEDIATE VICINITY OF THE DOG FROM AN ATTACK OR ASSAULT.

24 (viii) THE OWNER OF THE DOG IS A BRANCH OF THE UNITED STATES
25 MILITARY, A CORRECTIONAL FACILITY, OR A POLICE AGENCY, AND THE DOG
26 WAS PERFORMING ITS DUTIES AS EXPECTED.

27 (ix) THE DOG WAS WORKING AS A HUNTING DOG, HERDING DOG, OR

1 PREDATOR CONTROL DOG ON THE OWNER'S REAL PROPERTY OR UNDER THE
2 CONTROL OF ITS OWNER, AND THE INJURY OR DAMAGE WAS TO A SPECIES OR
3 TYPE OF DOMESTIC ANIMAL APPROPRIATE TO THE WORK OF THE DOG.

4 (F) "DOG" MEANS AN ANIMAL WITHIN THE CANINE FAMILY, WHETHER
5 DOMESTICATED OR WILD.

6 (G) "DOMESTIC ANIMAL" MEANS A DOG, CAT, POULTRY, LIVESTOCK, OR
7 ANY OTHER ANIMAL THAT IS COMMONLY KEPT, BRED, BOUGHT, OR SOLD AS A
8 PET.

9 (H) "IMPOUNDED" MEANS TAKEN INTO THE CUSTODY OF THE ANIMAL
10 CONTROL DEPARTMENT WHERE THE POTENTIALLY DANGEROUS DOG OR DANGEROUS
11 DOG WAS FOUND.

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

17 (J) ~~(e)~~—"Owner" means a person who owns, ~~or~~ harbors, ~~a dog or~~
18 ~~either~~—KEEPS, POSSESSES, OR HAS CONTROL OR CUSTODY OF AN animal.

19 (K) "OWNER'S REAL PROPERTY" MEANS REAL PROPERTY OWNED OR
20 LEASED BY THE OWNER OF A DOG. OWNER'S REAL PROPERTY DOES NOT
21 INCLUDE A PUBLIC RIGHT-OF-WAY OR A COMMON AREA OF A CONDOMINIUM
22 COMPLEX, MANUFACTURED HOME PARK, APARTMENT COMPLEX, OR TOWNHOUSE
23 DEVELOPMENT.

24 (I) "POTENTIALLY DANGEROUS DOG" MEANS 1 OR MORE OF THE
25 FOLLOWING, SUBJECT TO SUBDIVISION (E):

26 (i) A DOG THAT HAS A KNOWN PROPENSITY OR DISPOSITION, AS
27 INDICATED BY SWORN STATEMENTS FROM AT LEAST 2 ADULTS AND AN

1 INVESTIGATION BY AN APPROPRIATE AUTHORITY, TO ATTACK WITHOUT
2 PROVOCATION AND IN A MENACING FASHION OR TO THREATEN THE SAFETY OF
3 HUMANS OR DOMESTIC ANIMALS.

4 (ii) A DOG THAT HAS INFLICTED SEVERE INJURY UPON A DOMESTIC
5 ANIMAL THAT IS ON OR CHASED FROM THE OWNER'S REAL PROPERTY OR UNDER
6 CONTROL OF ITS OWNER, IF THE DOG INFLICTED THE INJURY WHILE ON
7 PROPERTY OTHER THAN ITS OWNER'S REAL PROPERTY.

8 (iii) A DOG THAT BITES A PERSON WITHOUT PROVOCATION AND INFLICTS
9 AN INJURY OTHER THAN A SERIOUS INJURY UPON THAT PERSON.

10 (M) ~~(d)~~—"Provoke" means to perform a willful act or omission
11 that an ordinary and reasonable person would conclude is likely to
12 precipitate the bite or attack by an ordinary dog or animal.

13 (N) ~~(e)~~—"Serious injury" means permanent, serious
14 disfigurement, serious impairment of health, or serious impairment
15 of a bodily function of a person.

16 (O) "SEVERE INJURY" MEANS A PHYSICAL INJURY THAT RESULTS IN
17 BROKEN BONES, MUSCLE TEARS, MULTIPLE BITE WOUNDS, OR DISFIGURING
18 LACERATIONS THAT REQUIRE MULTIPLE SURGERIES OR CORRECTIVE OR
19 COSMETIC SURGERY.

20 (P) ~~(f)~~—"Torment" means an act or omission that causes
21 unjustifiable pain, suffering, and distress to an animal, or causes
22 mental and emotional anguish in the animal as evidenced by its
23 altered behavior, for a purpose such as sadistic pleasure,
24 coercion, or punishment that an ordinary and reasonable person
25 would conclude is likely to precipitate the bite or attack.

26 (Q) "WITHOUT PROVOCATION" MEANS THAT THE VICTIM WAS CONDUCTING
27 HIMSELF OR HERSELF LAWFULLY AND PEACEFULLY AT THE TIME HE OR SHE

1 **WAS BITTEN, CHASED IN A MENACING FASHION, OR ATTACKED BY A DOG.**

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

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

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

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

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

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

24 **(B)** ~~(c)~~ Have the animal sterilized.

25 **(C)** ~~(d)~~ Obtain and maintain liability insurance coverage
26 sufficient to protect the public from any damage or harm caused by
27 the animal.

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

3 (5) THIS SECTION DOES NOT APPLY TO A DOG OR THE OWNER OF A
4 DOG.

5 SEC. 2A. (1) UPON A SWORN COMPLAINT THAT A DOG IS A
6 POTENTIALLY DANGEROUS DOG OR A DANGEROUS DOG, A DISTRICT COURT
7 MAGISTRATE, DISTRICT COURT, OR MUNICIPAL COURT SHALL ISSUE A
8 SUMMONS TO THE OWNER ORDERING HIM OR HER TO APPEAR TO SHOW CAUSE
9 WHY THE DOG SHOULD NOT BE DECLARED A POTENTIALLY DANGEROUS DOG OR A
10 DANGEROUS DOG UNDER THIS ACT.

11 (2) UPON THE FILING OF A SWORN COMPLAINT AS PROVIDED IN
12 SUBSECTION (1), THE COURT OR MAGISTRATE SHALL ORDER THAT THE ANIMAL
13 CONTROL DEPARTMENT OR LAW ENFORCEMENT AGENCY SEIZE AND IMPOUND THE
14 DOG UNTIL A HEARING IS HELD AND A DECISION IS MADE FOR THE
15 DISPOSITION OF THE DOG AT THE OWNER'S EXPENSE IF THE DOG POSES AN
16 IMMEDIATE THREAT TO PUBLIC SAFETY.

17 (3) AFTER A HEARING, IF THE COURT DETERMINES THAT A DOG IS A
18 DANGEROUS DOG, THE COURT MAY ORDER THE DESTRUCTION OF THE DOG IF
19 THE COURT FINDS THAT RELEASE OF THE DOG WOULD POSE A SIGNIFICANT
20 THREAT TO THE PUBLIC HEALTH, SAFETY, OR WELFARE.

21 SEC. 2B. (1) IF THE COURT FINDS THAT A DOG IS A POTENTIALLY
22 DANGEROUS DOG OR A DANGEROUS DOG AFTER A HEARING UNDER SECTION 2A,
23 THE COURT SHALL ORDER THE OWNER TO DO ALL OF THE FOLLOWING:

24 (A) HAVE THE DOG STERILIZED AND VACCINATED FOR RABIES.

25 (B) OBTAIN A LICENSE FOR THE DOG AS PROVIDED IN THE DOG LAW OF
26 1919, 1919 PA 339, MCL 287.261 TO 287.290.

27 (C) NO LATER THAN 30 DAYS AFTER THE DETERMINATION, GIVE

1 WRITTEN NOTICE OF THE DETERMINATION TO THE LOCAL BRANCH OF THE
2 UNITED STATES POST OFFICE AND ALL UTILITY COMPANIES THAT PROVIDE
3 SERVICES TO THE OWNER'S REAL PROPERTY. THE OWNER SHALL PROVIDE A
4 COPY OF EACH NOTICE GIVEN UNDER THIS SECTION TO THE ANIMAL CONTROL
5 DEPARTMENT.

6 (D) DISCLOSE THE DETERMINATION IN WRITING TO EACH PROVIDER OF
7 SERVICE OR TREATMENT TO THE DOG. AS USED IN THIS SUBDIVISION,
8 "PROVIDER OF SERVICE OR TREATMENT" INCLUDES, BUT IS NOT LIMITED TO,
9 THE FOLLOWING:

10 (i) A VETERINARY HEALTH CARE WORKER.

11 (ii) A DOG GROOMER.

12 (iii) A STAFF MEMBER OF A HUMANE SOCIETY OR OTHER ANIMAL WELFARE
13 AGENCY.

14 (iv) A PET ANIMAL CARE FACILITY WORKER.

15 (v) A PROFESSIONAL DOG HANDLER OR TRAINER.

16 (2) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (1), IF THE
17 COURT FINDS THAT A DOG IS A POTENTIALLY DANGEROUS DOG AFTER A
18 HEARING UNDER SECTION 2A, THE COURT SHALL ORDER THE OWNER TO DO ALL
19 OF THE FOLLOWING:

20 (A) WHILE ON THE OWNER'S REAL PROPERTY, KEEP THE DOG INDOORS
21 OR IN A SECURELY FENCED YARD FROM WHICH THE DOG CANNOT ESCAPE AND
22 INTO WHICH CHILDREN CANNOT TRESPASS.

23 (B) WHILE OUTSIDE THE OWNER'S REAL PROPERTY, KEEP THE DOG
24 UNDER THE CONTROL OF A RESPONSIBLE ADULT AND RESTRAINED ON A
25 SUBSTANTIAL LEASH OF NO MORE THAN 6 FEET LONG.

26 (3) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (1), IF THE
27 COURT FINDS THAT A DOG IS A DANGEROUS DOG AFTER A HEARING UNDER

1 SECTION 2A AND DOES NOT ORDER DESTRUCTION OF THE DOG, THE COURT
2 SHALL ORDER THE OWNER TO DO ALL OF THE FOLLOWING:

3 (A) HAVE THE DOG IDENTIFIED BY AN IDENTIFICATION NUMBER
4 TATTOOED ON THE DOG'S UPPER INNER LEFT REAR THIGH BY MEANS OF
5 INDELIBLE OR PERMANENT INK OR BY ELECTRONIC IMPLANTATION.

6 (B) WHILE ON THE OWNER'S REAL PROPERTY, KEEP THE DOG INDOORS
7 OR IN A SECURELY ENCLOSED AND LOCKED STRUCTURE OF A SUFFICIENT
8 HEIGHT AND DESIGN TO PREVENT THE DOG'S ESCAPE OR DIRECT CONTACT
9 WITH OR ENTRY BY CHILDREN, ADULTS, OR OTHER ANIMALS OR DOGS, AND
10 THAT IS DESIGNED TO PROVIDE SHELTER FROM THE ELEMENTS.

11 (C) WHILE OUTSIDE THE OWNER'S REAL PROPERTY, THE OWNER SHALL
12 ENSURE THAT THE DOG IS WEARING A MUZZLE THAT PREVENTS THE DOG FROM
13 BITING A PERSON, ANOTHER DOG, OR AN ANIMAL, BUT THAT DOES NOT
14 INJURE THE DOG OR INTERFERE WITH ITS BREATHING, KEEP THE DOG UNDER
15 THE CONTROL OF A RESPONSIBLE ADULT, AND RESTRAIN THE DOG ON A
16 SUBSTANTIAL LEASH OF NO MORE THAN 6 FEET LONG.

17 (4) THE COURT MAY PROHIBIT THE OWNER OF A DOG DETERMINED TO BE
18 A DANGEROUS DOG UNDER SECTION 2A FROM OWNING, POSSESSING,
19 CONTROLLING, OR HAVING CUSTODY OF AN ANIMAL FOR A PERIOD OF UP TO 3
20 YEARS.

21 SEC. 2C. (1) THE OWNER OF A DOG THAT HAS BEEN FOUND TO BE A
22 POTENTIALLY DANGEROUS DOG OR A DANGEROUS DOG UNDER SECTION 2A SHALL
23 NOTIFY THE ANIMAL CONTROL DEPARTMENT IF 1 OR MORE OF THE FOLLOWING
24 OCCUR:

25 (A) THE DOG IS LOOSE OR UNCONFINED.

26 (B) THE DOG BITES A PERSON OR ATTACKS ANOTHER ANIMAL.

27 (C) THE DOG IS SOLD, GIVEN AWAY, OR DIES.

1 (2) THE OWNER OF A DOG THAT HAS BEEN FOUND TO BE A POTENTIALLY
2 DANGEROUS DOG OR A DANGEROUS DOG UNDER SECTION 2A SHALL NOTIFY THE
3 ANIMAL CONTROL DEPARTMENT HAVING JURISDICTION OF HIS OR HER OLD
4 ADDRESS AND THE ANIMAL CONTROL DEPARTMENT HAVING JURISDICTION OF
5 HIS OR HER NEW ADDRESS WITHIN 10 DAYS AFTER MOVING TO A NEW
6 ADDRESS.

7 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE OWNER
8 OF A DANGEROUS DOG SHALL NOT SELL OR OTHERWISE TRANSFER OWNERSHIP
9 OF THE DOG. THE OWNER OF A DANGEROUS DOG SHALL NOT RELINQUISH THE
10 DOG TO THE ANIMAL CONTROL DEPARTMENT EXCEPT FOR THE PURPOSE OF
11 EUTHANASIA.

12 SEC. 2D. (1) THE ANIMAL CONTROL DEPARTMENT SHALL MAINTAIN A
13 LIST OF ALL DOGS WITHIN THE JURISDICTION OF THE ANIMAL CONTROL
14 DEPARTMENT THAT HAVE BEEN FOUND TO BE POTENTIALLY DANGEROUS DOGS
15 UNDER SECTION 2A.

16 (2) THE ANIMAL CONTROL DEPARTMENT MAY REMOVE A POTENTIALLY
17 DANGEROUS DOG FROM THE LIST MAINTAINED UNDER SUBSECTION (1) IF THE
18 OWNER DEMONSTRATES TO THE SATISFACTION OF THE ANIMAL CONTROL
19 DEPARTMENT THAT A CHANGE IN CIRCUMSTANCES OR ACTION TAKEN BY THE
20 OWNER HAS MITIGATED THE RISK THE DOG POSES TO PUBLIC SAFETY.

21 SEC. 2E. (1) NO LATER THAN 10 DAYS AFTER THE DATE A DOG IS
22 DETERMINED TO BE A DANGEROUS DOG UNDER SECTION 2A, THE OWNER SHALL
23 OBTAIN A DANGEROUS DOG REGISTRATION CERTIFICATE AND A TAG
24 IDENTIFYING THE DOG AS A DANGEROUS DOG FROM THE ANIMAL CONTROL
25 DEPARTMENT FOR A FEE OF NOT LESS THAN \$100.00 TO BE DETERMINED BY
26 THE COUNTY BOARD OF COMMISSIONERS FOR THE COUNTY WITHIN WHICH THE
27 ANIMAL CONTROL DEPARTMENT IS LOCATED. A CERTIFICATE OR A RENEWAL OF

1 A CERTIFICATE UNDER THIS SECTION SHALL ONLY BE ISSUED TO
2 INDIVIDUALS 18 YEARS OF AGE OR OLDER. THE ANIMAL CONTROL DEPARTMENT
3 SHALL ONLY ISSUE A CERTIFICATE TO AN OWNER WHO PRESENTS
4 SATISFACTORY EVIDENCE OF ALL OF THE FOLLOWING:

5 (A) THAT THE DOG HAS BEEN VACCINATED FOR RABIES, ALTERED, AND
6 PERMANENTLY IDENTIFIED AS REQUIRED BY SECTION 2B.

7 (B) THAT THE DOG IS CONFINED IN A PROPER ENCLOSURE OR IN THE
8 OWNER'S RESIDENCE, OR IS MUZZLED AND CONFINED IN THE OWNER'S
9 FENCED-IN YARD UNTIL THE OWNER CONSTRUCTS A PROPER ENCLOSURE.

10 (C) THAT THE OWNER HAS POSTED CLEARLY VISIBLE SIGNS ON HIS OR
11 HER PROPERTY WARNING PEOPLE THAT A DANGEROUS DOG IS ON THE
12 PROPERTY.

13 (D) THAT THE OWNER HAS LIABILITY INSURANCE COVERAGE IN THE
14 AMOUNT OF AT LEAST \$100,000.00 THAT COVERS DOG BITES, OR THAT THE
15 OWNER HAS SECURED AND MAINTAINED A SURETY BOND IN THE AMOUNT OF AT
16 LEAST \$100,000.00.

17 (2) THE TAG DESCRIBED IN SUBSECTION (1) SHALL BE OF A UNIFORM
18 DESIGN DEVELOPED BY THE SAME ENTITY THAT DEVELOPS THE DOG LICENSES
19 FOR THE ANIMAL CONTROL DEPARTMENT ISSUING THE TAG, AND SHALL
20 SPECIFY, IN LARGE LETTERS, THE PHRASE "DANGEROUS DOG".

21 (3) THE OWNER SHALL AFFIX THE TAG DESCRIBED IN SUBSECTION (1)
22 TO THE DOG'S COLLAR AND ENSURE THAT THE DOG WEARS THE COLLAR AND
23 TAG AT ALL TIMES.

24 (4) A CERTIFICATE OBTAINED UNDER SUBSECTION (1) SHALL BE
25 RENEWED ANNUALLY FOR A FEE AND IN THE SAME MANNER AS THE INITIAL
26 CERTIFICATE WAS OBTAINED.

27 (5) THE ANIMAL CONTROL DEPARTMENT SHALL PROVIDE A COPY OF EACH

1 DANGEROUS DOG REGISTRATION CERTIFICATE ISSUED UNDER THIS SECTION
2 AND A VERIFICATION OF COMPLIANCE WITH SUBSECTION (1) TO THE STATE
3 VETERINARIAN.

4 Sec. 3. (1) The owner of an animal that meets the definition
5 of a dangerous animal in section 1(a) that causes the death of a
6 person is guilty of involuntary manslaughter, punishable under
7 section 321 of the Michigan penal code, ~~Act No. 328 of the Public~~
8 ~~Acts of 1931, being section 750.321 of the Michigan Compiled Laws.~~
9 1931 PA 328, MCL 750.321.

10 (2) If an animal that meets the definition of a dangerous
11 animal in section 1(a) attacks a person and causes serious injury
12 other than death, the owner of the animal is guilty of a felony ~~7~~
13 punishable by imprisonment for not more than 4 years, a fine of not
14 less than \$2,000.00, or community service work for not less than
15 500 hours, or any combination of these penalties.

16 (3) If an animal previously adjudicated to be a dangerous
17 animal attacks or bites a person and causes an injury that is not a
18 serious injury, the owner of the animal is guilty of a misdemeanor
19 ~~7~~ punishable by imprisonment for not more than 90 days, a fine of
20 not less than \$250.00 ~~nor~~ OR more than \$500.00, or community
21 service work for not less than 240 hours, or any combination of
22 these penalties.

23 (4) If the owner of an animal that is previously adjudicated
24 to be a dangerous animal allows the animal to run at large, the
25 owner is guilty of a misdemeanor ~~7~~ punishable by imprisonment for
26 not more than 90 days, a fine of not less than \$250.00 ~~nor~~ OR more
27 than \$500.00, or community service work for not less than 240

1 hours, or any combination of these penalties.

2 (5) The court may order a person convicted under this section
3 to pay the costs of the prosecution.

4 (6) THIS SECTION DOES NOT APPLY TO A DOG OR THE OWNER OF A
5 DOG.

6 SEC. 3A. (1) IF THE OWNER OF A POTENTIALLY DANGEROUS DOG OR A
7 DANGEROUS DOG FAILS TO COMPLY WITH ANY CONDITION IMPOSED BY A COURT
8 OR ANY VIOLATION OF THIS ACT, HE OR SHE IS GUILTY OF A FELONY
9 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS, A FINE OF NOT
10 LESS THAN \$2,000.00, OR COMMUNITY SERVICE WORK FOR NOT LESS THAN
11 500 HOURS, OR ANY COMBINATION OF THESE PENALTIES.

12 (2) A FINE PAID UNDER SUBSECTION (1) SHALL BE PAID TO THE
13 ANIMAL CONTROL DEPARTMENT IN WHICH THE VIOLATION OCCURRED TO DEFRAY
14 THE COST OF IMPLEMENTING SECTIONS 2A TO 2E.

15 (3) IF A POTENTIALLY DANGEROUS DOG OR A DANGEROUS DOG ATTACKS
16 A PERSON AFTER IT HAS BEEN DECLARED A POTENTIALLY DANGEROUS DOG OR
17 DANGEROUS DOG, THE OWNER SHALL SURRENDER THE DOG TO THE APPROPRIATE
18 ANIMAL CONTROL DEPARTMENT, WHICH SHALL EUTHANIZE THE DOG.

19 SEC. 3B. THE GOVERNING BODY OF A LOCAL UNIT OF GOVERNMENT MAY
20 ENACT AN ORDINANCE REGULATING POTENTIALLY DANGEROUS DOGS AND
21 DANGEROUS DOGS THAT IS SUBSTANTIALLY SIMILAR TO SECTIONS 2A TO 2E.