

Legislative Analysis



UNAUTHORIZED REMOVAL OF DOG COLLAR OR MICROCHIP

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House Bill 5215 as enacted
Public Act 353 of 2016
Sponsor: Rep. Triston Cole
House Committee: Natural Resources
Senate Committee: Judiciary
Complete to 3-7-17

BRIEF SUMMARY: House Bill 5215 would amend the Michigan Penal Code to prohibit the willful or malicious removal of a dog's collar or microchip by an individual who is not the owner of that dog or authorized agent of that dog's owner, a law enforcement officer, or an animal control officer, or an animal protection shelter employee acting in an official capacity. The bill took effect January 20, 2017.

FISCAL IMPACT: Depending on the number of people who are found to be in violation, and are held responsible for state civil infractions, the bill could have an indeterminate fiscal impact on the state and on local units of government. Increases in applicable fines would benefit local libraries, which are the constitutionally designated recipients of such revenues. Civil infraction penalties would increase revenues going to the state Justice System Fund, which supports various justice-related endeavors in the judicial branch, and the Departments of State Police, Corrections, and Health and Human Services. The bill would have an indeterminate fiscal impact on the judiciary and local court funding units. The impact would depend on how the provisions of the bill affected caseloads and related administrative costs.

THE APPARENT PROBLEM:

According to testimony presented in committee, hunting dog owners are increasingly concerned about reports of individuals seizing hunting dogs and removing and/or disabling tracking collars so that the dog cannot be found. Because the combined cost of these collars and the training of hunting dogs can range into the thousands of dollars, some would like to see higher penalties attached to removing these collars, either for theft or dognapping purposes.

THE CONTENT OF THE BILL:

House Bill 5215 would amend the Michigan Penal Code to prohibit the willful or malicious removal of a dog's collar or microchip by an individual who is not the owner of that dog or authorized agent of that dog's owner, a law enforcement officer, or an animal control officer, or an animal protection shelter employee acting in an official capacity.

The new Section 70a being added would make unauthorized removal a civil infraction with a fine of not less than \$1,000 but not more than \$2,500. The bill also would add language

to the new section specifically stating that nothing in Section 70a "shall be construed to affect the civil or criminal liability of an individual under any other applicable law of this state."

Authorized agent would mean "an individual who has the permission of the owner of a dog to remove that dog's collar."

ARGUMENTS:

For:

As stated above, proponents of the bill assert that interference with hunting dogs is increasing, and penalties should be increased to reflect the damage to the equipment, which can range in price from hundreds to thousands of dollars. When coupled with the potential loss of a trained hunting dog, which reflect a similar or greater financial investment, hunting dog owners could lose more money than the guilty party who pays a smaller fine under current law. The bill was supported by Michigan United Conservation Clubs, Michigan Hunting Dog Federation, UP Bear Houndsmen Association, Michigan Fox Hunters Association, Michigan State United Coon Hunters, and Michigan Bear Hunters Association.

Against:

Concern was expressed during discussion of the bill that some of the tracking collars appear similar to shock collars, and that malicious intent may not always be the driving force behind removal of a collar. There was also a question of whether existing law covered such situations already.

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