

Legislative Analysis



ABUSING ANIMAL IN FRONT OF CHILD

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5670 (Substitute H-1, as proposed)

Sponsor: Rep. Robert L. Kosowski

Committee: Criminal Justice

Complete to 9-19-16

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

The bill creates a criminal penalty for abusing an animal in the presence of a child. "Child" is defined to mean an individual less than 18 years of age.

House Bill 5670 amends the Michigan Penal Code, Chapter IX (Animals). The Penal Code prohibits cruelty and abuse of an animal (e.g., beat, starve, or abandon) and has a tiered penalty structure based on the number of animals harmed and/or prior convictions for animal abuse.

Under the bill, a person who violates any of the prohibited conduct against *any number of animals in the presence of a child* will be guilty of a misdemeanor punishable by imprisonment for not more than one year, a fine of not more than \$2,000, and/or community service for not more than 300 hours. A second or subsequent violation will result in a felony offense punishable by imprisonment for up to two or four years, respectively, in addition to possible fines and/or community service as prescribed in the code.

MCL 750.50

FISCAL IMPACT:

House Bill 5670 would have an indeterminate fiscal impact on the state and on local units of government. The fiscal impact would depend on whether a violation constituted a first, second, or subsequent offense. For first offenses, misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. The costs of local incarceration in a county jail and local misdemeanor probation supervision vary by jurisdiction. For violations involving repeat offenses, felony convictions would result in increased costs related to state prisons and state probation supervision. The average cost of prison incarceration in a state facility is roughly \$34,900 per prisoner per year, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision average about \$3,400 per supervised offender per year. The fiscal impact on local court funding units would depend on how the bill affected caseloads and related administrative costs. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

Legislative Analyst: Susan Stutzky

Fiscal Analyst: Robin Risko

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.