

HOUSE BILL No. 5780

July 13, 2016, Introduced by Rep. Lucido and referred to the Committee on Families,
Children, and Seniors.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 48 to chapter IX.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER IX

ANIMALS

SEC. 48. (1) AS USED IN THIS SECTION:

(A) "ANIMAL ABUSE OR NEGLECT" MEANS ANY OF THE FOLLOWING:

(i) A VIOLATION OF SECTION 49(2), 50, OR 50B.

(ii) A VIOLATION OF SECTION 158 COMMITTED WITH AN ANIMAL.

(B) "ANIMAL CONTROL OFFICER" MEANS AN ANIMAL CONTROL OFFICER
PROVIDED FOR UNDER SECTIONS 29A TO 29C OF THE DOG LAW OF 1919, 1919
PA 339, MCL 287.289A TO 287.289C.

(C) "CHILD ABUSE" MEANS THAT TERM AS DEFINED IN SECTION 2 OF
THE CHILD PROTECTION LAW, 1975 PA 238, MCL 722.622.

1 (D) "CHILD NEGLECT" MEANS THAT TERM AS DEFINED IN SECTION 2 OF
2 THE CHILD PROTECTION LAW, 1975 PA 238, MCL 722.622.

3 (E) "CPS EMPLOYEE" MEANS AN EMPLOYEE IN THE CHILD PROTECTIVE
4 SERVICES PROGRAM OR SUCCESSOR PROGRAM OF THE DEPARTMENT OF HEALTH
5 AND HUMAN SERVICES.

6 (F) "LAW ENFORCEMENT OFFICER" MEANS THAT TERM AS DEFINED IN
7 SECTION 2 OF THE COMMISSION ON LAW ENFORCEMENT STANDARDS ACT, 1965
8 PA 203, MCL 28.602.

9 (2) IF, IN THE COURSE OF INVESTIGATING SUSPECTED CHILD ABUSE
10 OR CHILD NEGLECT, A CPS EMPLOYEE HAS REASONABLE CAUSE TO SUSPECT
11 ANIMAL ABUSE OR NEGLECT, THE CPS EMPLOYEE SHALL IMMEDIATELY MAKE OR
12 CAUSE TO BE MADE AN ORAL REPORT OF THE SUSPECTED ANIMAL ABUSE OR
13 NEGLECT TO AN ANIMAL CONTROL OFFICER OR LAW ENFORCEMENT OFFICER FOR
14 THE JURISDICTION WHERE THE ANIMAL WAS FOUND.

15 (3) WITHIN 72 HOURS AFTER THE ORAL REPORT IS MADE, THE CPS
16 EMPLOYEE SHALL FILE A WRITTEN REPORT WITH AN ANIMAL CONTROL OFFICER
17 OR LAW ENFORCEMENT OFFICER FOR THE JURISDICTION WHERE THE ANIMAL
18 WAS FOUND. THE WRITTEN REPORT SHALL CONTAIN A DESCRIPTION OF THE
19 ANIMAL AND OF THE ANIMAL ABUSE OR NEGLECT. THE WRITTEN REPORT SHALL
20 CONTAIN THE NAME AND ADDRESS OF THE ANIMAL'S OWNER OR KEEPER IF
21 THAT INFORMATION IS AVAILABLE TO THE CPS EMPLOYEE. THE WRITTEN
22 REPORT SHALL CONTAIN OTHER INFORMATION AVAILABLE TO THE CPS
23 EMPLOYEE THAT MIGHT ASSIST AN ANIMAL CONTROL OFFICER OR LAW
24 ENFORCEMENT OFFICER TO ESTABLISH THE CAUSE OF THE ANIMAL ABUSE OR
25 NEGLECT AND THE MANNER IN WHICH THE ANIMAL ABUSE OR NEGLECT
26 OCCURRED.

27 (4) THE IDENTITY OF A CPS EMPLOYEE WHO MAKES A REPORT UNDER

1 THIS SECTION IS CONFIDENTIAL AND SUBJECT TO DISCLOSURE ONLY WITH
2 THE CONSENT OF THAT CPS EMPLOYEE OR BY JUDICIAL PROCESS. A CPS
3 EMPLOYEE ACTING IN GOOD FAITH WHO MAKES A REPORT UNDER THIS SECTION
4 OR COOPERATES IN AN INVESTIGATION OF THE SUSPECTED ANIMAL ABUSE OR
5 NEGLECT IS IMMUNE FROM CIVIL OR CRIMINAL LIABILITY THAT MIGHT
6 OTHERWISE BE INCURRED BY THAT ACTION AND IS PRESUMED TO HAVE ACTED
7 IN GOOD FAITH. THIS IMMUNITY FROM CIVIL OR CRIMINAL LIABILITY DOES
8 NOT EXTEND TO A NEGLIGENT ACT THAT CAUSES PERSONAL INJURY OR DEATH.

9 (5) A CPS EMPLOYEE WHO IS REQUIRED BY THIS SECTION TO REPORT
10 AN INSTANCE OF SUSPECTED ANIMAL ABUSE OR NEGLECT AND WHO KNOWINGLY
11 FAILS TO DO SO IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
12 IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN
13 \$500.00, OR BOTH.

14 (6) A CPS EMPLOYEE WHO KNOWINGLY MAKES A FALSE REPORT OF
15 ANIMAL ABUSE OR NEGLECT UNDER THIS SECTION IS GUILTY OF A CRIME AS
16 FOLLOWS:

17 (A) IF THE ANIMAL ABUSE OR NEGLECT REPORTED WOULD NOT
18 CONSTITUTE A CRIME OR WOULD CONSTITUTE A MISDEMEANOR IF THE REPORT
19 WERE TRUE, THE CPS EMPLOYEE IS GUILTY OF A MISDEMEANOR PUNISHABLE
20 BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE
21 THAN \$100.00, OR BOTH.

22 (B) IF THE ANIMAL ABUSE OR NEGLECT REPORTED WOULD CONSTITUTE A
23 FELONY IF THE REPORT WERE TRUE, THE CPS EMPLOYEE IS GUILTY OF A
24 FELONY PUNISHABLE BY THE LESSER OF THE FOLLOWING:

25 (i) THE PENALTY FOR THE ANIMAL ABUSE OR NEGLECT FALSELY
26 REPORTED.

27 (ii) IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT

1 MORE THAN \$2,000.00, OR BOTH.

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

4 Enacting section 2. This amendatory act does not take effect
5 unless Senate Bill No. ____ or House Bill No. 5779 (request no.
6 05298'16) of the 98th Legislature is enacted into law.