

HOUSE BILL NO. 4092

January 24, 2019, Introduced by Reps. LaFave, Markkanen, Wozniak, Berman, Robinson, Yaroach, Brann, Hornberger and Chirkun and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
(MCL 760.1 to 777.69) by adding section 2 to chapter XVI.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER XVI
2 Sec. 2. A person is not subject to criminal prosecution for
3 the breaking or entry into a motor vehicle, or for the resulting
4 damage to that motor vehicle, if the breaking or entry is

1 effectuated for the purpose of removing an animal from the motor
2 vehicle and if all of the following apply:

3 (a) The person determines that the motor vehicle is locked and
4 there is no reasonable method for the animal to exit or be removed
5 from the motor vehicle.

6 (b) The person has a good-faith belief that forcible entry
7 into the motor vehicle is necessary because the animal is in
8 imminent danger of suffering harm if not immediately removed from
9 the motor vehicle and, based on the circumstances known to the
10 person at the time, the belief is reasonable.

11 (c) The person contacts either the local law enforcement
12 agency, the local fire department, or a 9-1-1 operator as soon as
13 possible before or after forcibly entering the motor vehicle.

14 (d) The person places a notice on the motor vehicle's
15 windshield with the person's contact information, the reason the
16 entry was made, the location of the animal, and a statement that
17 the local authorities have been notified.

18 (e) The person remains with the animal in a safe location, out
19 of the elements, but reasonably close to the motor vehicle, until
20 law enforcement, the fire department, or another emergency
21 responder arrives.

22 (f) The person does not use any more force to enter the motor
23 vehicle and remove the animal from the motor vehicle than is
24 necessary under the circumstances.

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