

# HOUSE BILL NO. 5577

March 04, 2020, Introduced by Reps. Camilleri, Gay-Dagnogo, Ellison, Garrett, Love, Koleszar and Hertel and referred to the Committee on Agriculture.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 50 (MCL 750.50), as amended by 2019 PA 135.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1       Sec. 50. (1) As used in this section and section 50b:
- 2       (a) "Adequate care" means the provision of sufficient food,
- 3       water, shelter, sanitary conditions, exercise, and veterinary
- 4       medical attention in order to maintain an animal in a state of good
- 5       health.
- 6       (b) "Adverse environmental conditions" means weather



conditions that present an adverse risk to the health or safety of a dog based on the dog's age, breed, or physical condition, or the thickness of the dog's hair or fur. Adverse environmental conditions include, but are not limited to, the following:

(i) The ambient temperature is 32 degrees Fahrenheit or below in the immediate vicinity of the dog.

(ii) The ambient temperature is 90 degrees Fahrenheit or above in the immediate vicinity of the dog.

(iii) High winds.

(iv) Rain.

(v) Snow.

(vi) Ice.

(vii) Sleet.

(viii) Hail.

(c) ~~(b)~~—"Animal" means a vertebrate other than a human being.

(d) ~~(e)~~—"Animal control shelter" means a facility operated by a county, city, village, or township to impound and care for animals found in streets or otherwise at large contrary to an ordinance of the county, city, village, or township or state law.

(e) ~~(d)~~—"Animal protection shelter" means a facility operated by a person, humane society, society for the prevention of cruelty to animals, or ~~any~~ other nonprofit organization, for the care of homeless animals.

(f) ~~(e)~~—"Breeder" means a person that breeds animals other than livestock or dogs for remuneration, or that is a large-scale dog breeding kennel as that term is defined in section 1 of 1969 PA 287, MCL 287.331.

(g) ~~(f)~~—"Licensed veterinarian" means a person licensed or otherwise authorized to practice veterinary medicine under ~~article~~



1 ~~15-part 188~~ of the public health code, 1978 PA 368, MCL ~~333.16101~~  
 2 **333.18801** to 333.18838.

3 (h) ~~(g)~~ "Livestock" means that term as defined in section 3 of  
 4 the animal industry act, 1988 PA 466, MCL 287.703.

5 (i) ~~(h)~~ "Neglect" means to fail to sufficiently and properly  
 6 care for an animal to the extent that the animal's health is  
 7 jeopardized.

8 (j) "Outside and unattended" means tethered or otherwise kept  
 9 outdoors for 30 minutes or longer and not in the physical presence  
 10 of or within the visual range of the person having the charge or  
 11 custody of the dog. A dog is considered to be outside regardless of  
 12 whether the dog has access to a shelter. Outside and unattended  
 13 includes, but is not limited to, tethered or kept in a securely  
 14 fenced-in yard or a kennel.

15 (k) ~~(i)~~ "Person" means an individual, partnership, limited  
 16 liability company, corporation, association, governmental entity,  
 17 or other legal entity.

18 (l) ~~(j)~~ "Pet shop" means that term as defined in section 1 of  
 19 1969 PA 287, MCL 287.331.

20 (m) ~~(k)~~ "Sanitary conditions" means space free from health  
 21 hazards including excessive animal waste, overcrowding of animals,  
 22 or other conditions that endanger the animal's health. ~~This~~  
 23 ~~definition does~~ **Sanitary conditions do** not include ~~any~~ **a** condition  
 24 resulting from a customary and reasonable **farming or animal**  
 25 **husbandry** practice. ~~pursuant to farming or animal husbandry.~~

26 (n) ~~(l)~~ "Shelter" means adequate protection from the elements  
 27 and weather conditions suitable for the age, species, and physical  
 28 condition of the animal so as to maintain the animal in a state of  
 29 good health. Shelter, for livestock, includes structures or natural



features such as trees or topography. Shelter, for a dog, includes  
~~1 or more of the following:~~

~~(i) The **the** residence of the dog's owner or other individual.~~

~~(ii) A doghouse that is an enclosed structure with a roof and  
of appropriate dimensions for the breed and size of the dog. The  
doghouse must have dry bedding when the outdoor temperature is or  
is predicted to drop below freezing.~~

~~(iii) A structure, including a garage, barn, or shed, that is  
sufficiently insulated and ventilated to protect the dog from  
exposure to extreme temperatures or, if not sufficiently insulated  
and ventilated, contains a doghouse as provided under subparagraph~~

~~(ii) that is accessible to the dog.~~ **person having charge or custody  
of the dog. A shelter, for a dog, if the shelter is a structure  
other than a residence, includes a structure that meets all of the  
following requirements:**

**(i) Provide adequate ventilation so the dog remains dry and  
maintains a proper body temperature based on the age and breed of  
the dog.**

**(ii) Provide access to clean water.**

**(iii) Provide access or exposure to natural or artificial light  
that corresponds to a regular cycle of day and night.**

**(iv) Provide space of appropriate dimensions for the age and  
breed of the dog. The dog must be able to stand, turn around, and  
lie down, and the dog's head must not touch the top of the  
structure when standing.**

**(v) Be maintained and cleaned to minimize waste, debris,  
precipitation, or other moisture inside, surrounding, and  
underneath the structure.**



(vi) Be constructed and maintained in good repair to prevent the sagging or collapse of any part of the structure and to remain in an upright position at all times.

(vii) Be constructed of moisture-proof and wind-proof materials that do not readily conduct heat or cold.

(viii) Have a floor that is raised at least 3 inches off the ground and a roof that extends at least 8 inches over the doorway to prevent rain or other precipitation from entering the structure.

(o) ~~(m)~~—"State of good health" means freedom from disease and illness, and in a condition of proper body weight and temperature for the age and species of the animal, unless the animal is undergoing appropriate treatment.

(p) ~~(n)~~—"Tethering" means the restraint and confinement of a dog by use of a chain, rope, or similar device.

(q) ~~(e)~~—"Water" means potable water that is suitable for the age and species of animal and that is made regularly available unless otherwise directed by a licensed veterinarian.

(2) An owner, possessor, breeder, operator of a pet shop, or person having the charge or custody of an animal shall not do any of the following:

(a) Fail to provide an animal with adequate care.

(b) Cruelly drive, work, or beat an animal, or cause an animal to be cruelly driven, worked, or beaten.

(c) Carry or cause to be carried in or upon a vehicle or otherwise ~~any~~ a live animal having the feet or legs tied together, other than an animal being transported for medical care or a horse whose feet are hobbled to protect the horse during transport, or in any other cruel and inhumane manner.

(d) Carry or cause to be carried a live animal in or upon a



1 vehicle or otherwise without providing a secure space, rack, car,  
2 crate, or cage in which livestock may stand and in which all other  
3 animals may stand, turn around, and lie down during transportation,  
4 or while awaiting slaughter. As used in this subdivision, for  
5 purposes of transportation of sled dogs, "stand" means sufficient  
6 vertical distance to allow the ~~animal~~**sled dog** to stand without its  
7 shoulders touching the top of the crate or transportation vehicle.

8 (e) Abandon an animal or cause an animal to be abandoned, in  
9 any place, without making provisions for the animal's adequate  
10 care, unless premises are vacated for the protection of human life  
11 or the prevention of injury to a human. An animal that is lost by  
12 an owner or custodian while traveling, walking, hiking, or hunting  
13 is not abandoned under this section when the owner or custodian has  
14 made a reasonable effort to locate the animal.

15 (f) Negligently allow ~~any~~**an** animal, including one who is  
16 aged, diseased, maimed, hopelessly sick, disabled, or nonambulatory  
17 to suffer unnecessary neglect, torture, or pain.

18 (g) Tether a dog unless the tether is at least 3 times the  
19 length of the dog as measured from the tip of its nose to the base  
20 of its tail and is attached to a harness or nonchoke collar  
21 designed for tethering. This subdivision does not apply if the  
22 tethering of the dog occurs while the dog is being groomed,  
23 trained, transported, or used in a hunt or event where a shorter  
24 tether is necessary for the safety and well-being of the dog and  
25 others.

26 (h) **Leave a dog outside and unattended during adverse**  
27 **environmental conditions without access to shelter.**

28 (i) **Fail to provide a dog with 1 or more areas of shade that**  
29 **are of appropriate dimensions for the age and breed of the dog.**



(j) Fail to provide a dog with access to a shelter other than a residence with adequate bedding, such as straw or cedar shavings, that provides insulation and is sufficient to protect the dog against the cold and damp. Adequate bedding does not include blankets, rags, or other materials that retain moisture.

(k) If an emergency evacuation is ordered under the emergency management act, 1976 PA 390, MCL 30.401 to 30.421, fail to do 1 of the following:

(i) Evacuate to safety with the dog.

(ii) Deliver the dog to a location that is safe and not impacted by the emergency. This location includes, but is not limited to, an animal control shelter, an animal protection shelter, temporary animal protection shelter established for the purposes of the emergency, or other facility capable of safely caring for the dog.

(iii) Secure the dog indoors in a space that is clear of hazards and alert local emergency responders to the dog's location. As used in this subparagraph, "emergency responder" means that term as defined in section 2 of the interstate mutual emergency aid act, 2012 PA 459, MCL 3.972.

(3) If an animal is impounded and ~~is~~ being held by an animal control shelter or its designee, ~~or an~~ animal protection shelter or its designee, or ~~a~~ licensed veterinarian pending the outcome of a criminal action charging a violation of this section or section 50b, before final disposition of the criminal charge, the prosecuting attorney may file a civil action in the court that has jurisdiction of the criminal action, requesting that the court issue an order forfeiting the animal to the animal control shelter, ~~or~~ animal protection shelter, or ~~to a~~ licensed veterinarian before



1 final disposition of the criminal charge. The prosecuting attorney  
2 shall serve a true copy of the summons and complaint ~~upon-on~~ the  
3 defendant and ~~upon-a~~ **any other** person with a known ownership  
4 interest or ~~known~~-security interest in the animal or a person who  
5 has filed a lien with the secretary of state on the animal. The  
6 forfeiture of an animal under this section encumbered by a security  
7 interest is subject to the interest of the holder of the security  
8 interest if he or she did not have prior knowledge of or did not  
9 consent to the commission of the crime. ~~Upon-On~~ the filing of the  
10 civil action, the court shall set a hearing on the complaint. The  
11 hearing must be conducted within 14 days of the filing of the civil  
12 action, or as soon as practicable. The hearing must be before a  
13 judge without a jury. At the hearing, the prosecuting attorney has  
14 the burden of establishing by a preponderance of the evidence that  
15 a violation of this section or section 50b occurred. If the court  
16 finds that the prosecuting attorney has met this burden, the court  
17 shall order immediate forfeiture of the animal to the animal  
18 control shelter, ~~or~~-animal protection shelter, or ~~the~~-licensed  
19 veterinarian unless the defendant, within 72 hours of the hearing,  
20 submits to the court clerk cash or other ~~form-of~~-security in an  
21 amount determined by the court to be sufficient to repay all  
22 reasonable costs incurred, and anticipated to be incurred, by the  
23 animal control shelter, ~~or~~-animal protection shelter, or ~~the~~  
24 licensed veterinarian in caring for the animal from the date of  
25 initial impoundment to the date of trial. If cash or other security  
26 has been submitted, and the trial in the action is continued at a  
27 later date, any order of continuance must require the defendant to  
28 submit additional cash or security in an amount determined by the  
29 court to be sufficient to repay all additional reasonable costs





1 anticipated to be incurred by the animal control shelter, ~~or~~ animal  
2 protection shelter, or ~~the~~ licensed veterinarian in caring for the  
3 animal until the new date of trial. If the defendant submits cash  
4 or other security to the court under this subsection, the court may  
5 enter an order authorizing the use of that cash or other security  
6 before final disposition of the criminal charges to pay the  
7 reasonable costs incurred by the animal control shelter, ~~or~~ animal  
8 protection shelter, or ~~the~~ licensed veterinarian in caring for the  
9 animal from the date of impoundment to the date of final  
10 disposition of the criminal charges. The testimony of a person at a  
11 hearing held under this subsection is not admissible against him or  
12 her in any criminal proceeding except in a criminal prosecution for  
13 perjury. The testimony of a person at a hearing held under this  
14 subsection does not waive the person's constitutional right against  
15 self-incrimination. An animal seized under this section or section  
16 50b is not subject to any other civil action pending the final  
17 judgment of the forfeiture action under this subsection.

18 (4) A person who violates subsection (2) is guilty of a crime  
19 as follows:

20 (a) Except as otherwise provided in subdivisions (c) to (f),  
21 if the violation involved 1 animal, the person is guilty of a  
22 misdemeanor punishable by 1 or more of the following and may be  
23 ordered to pay the costs of prosecution:

24 (i) Imprisonment for not more than 93 days.

25 (ii) A fine of not more than \$1,000.00.

26 (iii) Community service for not more than 200 hours.

27 (b) Except as otherwise provided in subdivisions (c) to (f),  
28 if the violation involved 2 or 3 animals or the death of any  
29 animal, the person is guilty of a misdemeanor punishable by 1 or



1 more of the following and may be ordered to pay the costs of  
2 prosecution:

3 (i) Imprisonment for not more than 1 year.

4 (ii) A fine of not more than \$2,000.00.

5 (iii) Community service for not more than 300 hours.

6 (c) If the violation involved 4 or more animals but fewer than  
7 10 animals or the person ~~had~~**has** 1 prior conviction under  
8 subsection (2), the person is guilty of a felony punishable by 1 or  
9 more of the following and may be ordered to pay the costs of  
10 prosecution:

11 (i) Imprisonment for not more than 2 years.

12 (ii) A fine of not more than \$2,000.00.

13 (iii) Community service for not more than 300 hours.

14 (d) If the violation involved 10 or more animals but fewer  
15 than 25 animals or the person ~~had~~**has** 2 prior convictions for  
16 violating subsection (2), the person is guilty of a felony  
17 punishable by 1 or more of the following and may be ordered to pay  
18 the costs of prosecution:

19 (i) Imprisonment for not more than 4 years.

20 (ii) A fine of not more than \$5,000.00.

21 (iii) Community service for not more than 500 hours.

22 (e) If the violation involved 25 or more animals or the person  
23 has ~~had~~ 3 or more prior convictions for violating subsection (2),  
24 the person is guilty of a felony punishable by 1 or more of the  
25 following and may be ordered to pay the costs of prosecution:

26 (i) Imprisonment for not more than 7 years.

27 (ii) A fine of not more than \$10,000.00.

28 (iii) Community service for not more than 500 hours.



1 (f) If the person is a breeder, or if the person is an  
2 operator of a pet shop and ~~he or she~~ has ~~had~~ 5 or more prior  
3 convictions for violating 1969 PA 287, MCL 287.331 to 287.340, the  
4 person is guilty of a felony punishable by imprisonment for not  
5 more than 2 years or a fine of not more than \$5,000.00, or both.

6 (5) The court may order a person convicted of violating  
7 subsection (2) to be evaluated to determine the need for  
8 psychiatric or psychological counseling and, if determined  
9 appropriate by the court, to receive psychiatric or psychological  
10 counseling. The evaluation and counseling ~~shall~~ **must** be at the  
11 defendant's own expense.

12 (6) This section does not prohibit a person from being charged  
13 with, convicted of, or punished for any other violation of law  
14 arising out of the same transaction as the violation of this  
15 section.

16 (7) The court may order a term of imprisonment imposed for a  
17 violation of this section to be served consecutively to a term of  
18 imprisonment imposed for any other crime including any other  
19 violation of law arising out of the same transaction as the  
20 violation of this section.

21 (8) As a part of the sentence for a violation of subsection  
22 (2), the court may order the defendant to pay the costs of the  
23 care, housing, and veterinary medical care for the animal, as  
24 applicable. If the court does not order a defendant to pay all of  
25 the applicable costs listed in this subsection, or orders only  
26 partial payment of these costs, the court shall state on the record  
27 the reason for that action.

28 (9) As a part of the sentence for a violation of subsection  
29 (2), the court may, as a condition of probation, order the



1 defendant not to own or possess an animal for a period of time not  
2 to exceed the period of probation. If a person is convicted of a  
3 second or subsequent violation of subsection (2), the court may  
4 order the defendant not to own or possess an animal for any period  
5 of time, including permanent relinquishment of animal ownership.

6 (10) A person who owns or possesses an animal in violation of  
7 an order issued under subsection (9) is subject to revocation of  
8 probation if the order is issued as a condition of probation. A  
9 person who owns or possesses an animal in violation of an order  
10 issued under subsection (9) is also subject to the civil and  
11 criminal contempt power of the court, and if found guilty of  
12 criminal contempt, may be punished by imprisonment for not more  
13 than 90 days or a fine of not more than \$500.00, or both.

14 (11) As part of the sentence imposed under subsection (4)(e),  
15 the court may place the defendant on probation for any term of  
16 years, but not less than 5 years.

17 (12) This section does not prohibit the lawful killing or  
18 other use of an animal, including the following:

19 (a) Fishing.

20 (b) Hunting, trapping, or wildlife control regulated under the  
21 natural resources and environmental protection act, 1994 PA 451,  
22 MCL 324.101 to 324.90106.

23 (c) Horse racing.

24 (d) The operation of a zoological park or aquarium.

25 (e) Pest or rodent control regulated under part 83 of the  
26 natural resources and environmental protection act, 1994 PA 451,  
27 MCL 324.8301 to 324.8336.

28 (f) Farming or a generally accepted animal husbandry or  
29 farming practice involving livestock.



1 (g) Scientific research under 1969 PA 224, MCL 287.381 to  
2 287.395.

3 (h) Scientific research or the lawful killing of an animal  
4 under sections 2226, 2671, 2676, and 7333 of the public health  
5 code, 1978 PA 368, MCL 333.2226, 333.2671, 333.2676, and 333.7333.

6 (i) The lawful killing or use of an animal under the animal  
7 industry act, 1988 PA 466, MCL 287.701 to 287.746.

8 (13) This section does not apply to a veterinarian or a  
9 veterinary technician lawfully engaging in the practice of  
10 veterinary medicine under part 188 of the public health code, 1978  
11 PA 368, MCL 333.18801 to 333.18838.

12 (14) The requirements of this section do not apply to a dog  
13 when that dog is engaged in any of the following activities:

14 (a) Hunting or trapping regulated under the natural resources  
15 and environmental protection act, 1994 PA 451, MCL 324.101 to  
16 324.90106.

17 (b) Farming or a generally accepted animal husbandry or  
18 farming practice involving livestock.

19 (c) Law enforcement work for a law enforcement agency of this  
20 state or a local unit of government of this state.

21 (d) A search and rescue operation or training to participate  
22 in a search and rescue operation.

23 (e) Work for an organized fire department as that term is  
24 defined in section 1 of the fire prevention code, 1941 PA 207, MCL  
25 29.1.

26 (f) Sledding.

27 (g) Participating in or training to participate in performance  
28 or agility events or competitions or field trials.

29 Enacting section 1. This amendatory act does not take effect



1 unless all of the following bills of the 100th Legislature are  
 2 enacted into law:

3 (a) Senate Bill No.\_\_\_\_ or House Bill No.\_\_\_\_ (request no.  
 4 05144'19 a).

5 (b) Senate Bill No.\_\_\_\_ or House Bill No.\_\_\_\_ (request no.  
 6 05114'19 c).

