

# SENATE BILL NO. 683

January 11, 2024, Introduced by Senators MCCANN and SHINK and referred to the Committee on Natural Resources and Agriculture.

A bill to amend 1988 PA 426, entitled

"An act to regulate dangerous animals; to provide for the confinement, identification, or destruction of dangerous animals; and to provide penalties for the owners or keepers of dangerous animals that attack human beings,"

by amending the title and sections 1, 2, and 3 (MCL 287.321, 287.322, and 287.323), the title and section 2 as amended by 2022 PA 121, and by adding sections 2a, 2b, 2c, 2d, 2e, 3a, and 3b.

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

**1** TITLE  
**2** An act to regulate dangerous animals, **potentially dangerous**

1 **dogs, and dangerous dogs;** to provide for the confinement ~~7~~  
 2 ~~identification, or destruction of dangerous animals;~~ **to require**  
 3 **owners of potentially dangerous dogs and dangerous dogs to comply**  
 4 **with certain requirements; to require the registration of dangerous**  
 5 **dogs; to provide for the powers and duties of certain state and**  
 6 **local governmental officers and entities;** and to ~~provide~~ **prohibit**  
 7 **certain acts and prescribe** penalties. ~~for the owners or keepers of~~  
 8 ~~dangerous animals that attack human beings.~~

9 Sec. 1. As used in this act:

10 (a) "Altered" means a dog that has undergone a professional  
 11 sterilization procedure performed by a veterinarian that rendered  
 12 the dog incapable of reproducing.

13 (b) "Animal control department" means an animal control  
 14 shelter as that term is defined in section 1 of 1969 PA 287, MCL  
 15 287.331.

16 (c) "Attack" means the deliberate act of an animal, whether or  
 17 not in response to a command by its owner, to bite, seize with its  
 18 teeth, or pursue an individual or domestic animal with the intent  
 19 to kill, wound, injure, or harm.

20 (d) ~~(a)~~ "Dangerous animal" means ~~a dog or other~~ **an** animal,  
 21 **other than a dog,** that bites or attacks ~~a person, or a dog that~~  
 22 ~~bites or attacks and causes serious injury or death to another dog~~  
 23 ~~while the other dog is on the property or under the control of its~~  
 24 ~~owner. However, a dangerous~~ **an individual or domestic animal.**

25 **Dangerous** animal does not include any of the following:

26 (i) An animal that bites or attacks ~~a person~~ **an individual** who  
 27 is knowingly trespassing on the property of the animal's owner.

28 (ii) An animal that bites or attacks ~~a person~~ **an individual** who  
 29 provokes or torments the animal.

1           (iii) An animal that is responding in a manner that an ordinary  
2 and reasonable person would conclude was designed to protect a  
3 ~~person~~**an individual** if that ~~person~~**individual** is engaged in a  
4 lawful activity or is the subject of an assault.

5           (iv) Livestock.

6           (e) "Dangerous dog" means 1 or more of the following, subject  
7 to subdivision (f):

8           (i) A dog that has been determined to be a potentially  
9 dangerous dog and whose owner has been given notice that the dog is  
10 a potentially dangerous dog, if 1 of the following is satisfied:

11           (A) The dog bites, attacks, or threatens the safety of an  
12 individual or a domestic animal.

13           (B) The owner maintains the dog in violation of this act.

14           (ii) A dog that kills or inflicts severe injury on an  
15 individual without provocation.

16           (iii) A dog that kills a domestic animal without provocation, if  
17 the dog is not on its owner's real property.

18           (iv) A dog that has committed at least 3 reported and  
19 documented bites on an individual or domestic animal without  
20 provocation.

21           (f) "Dangerous dog" or "potentially dangerous dog" does not  
22 include any dog, including a dog that was previously found to be a  
23 dangerous dog or potentially dangerous dog under section 2b, that  
24 threatens, injures, or damages an individual, domestic animal, or  
25 property under 1 or more of the following circumstances:

26           (i) The individual was committing a willful trespass or other  
27 unlawful conduct on the owner's real property.

28           (ii) The individual was intentionally provoking, tormenting,  
29 abusing, or assaulting the dog, its owner, or a family member of

1 the owner.

2 (iii) The individual was committing or attempting to commit a  
3 crime.

4 (iv) A domestic animal was attacking or menacing the dog.

5 (v) An animal was attacking or menacing the dog while on the  
6 owner's real property.

7 (vi) The dog was responding to pain or injury or protecting its  
8 offspring.

9 (vii) The dog was protecting or defending an individual within  
10 the immediate vicinity of the dog from an attack or assault.

11 (viii) The dog was working as a hunting dog, herding dog, or  
12 predator control dog on the owner's real property or under the  
13 control of its owner, and the injury or damage was to a species or  
14 type of domestic animal appropriate to the work of the dog.

15 (g) "Dog" means a domestic dog of any age of the species *Canis*  
16 *lupus familiaris*.

17 (h) "Domestic animal" means a dog, cat, poultry, farm animal,  
18 or any other animal that is kept, bred, bought, sold, or considered  
19 by the owner to be a pet.

20 (i) "Impound" means to seize and take into the custody of an  
21 animal control department.

22 (j) ~~(b)~~ "Livestock" means animals used for human food ~~and or~~  
23 fiber or animals used for service to ~~human beings.~~ **humans**.  
24 Livestock includes, but is not limited to, cattle, swine, sheep,  
25 llamas, goats, bison, equine, poultry, and rabbits. Livestock does  
26 not include **domestic** animals. ~~that are human companions, such as~~  
27 ~~dogs and cats.~~

28 (k) ~~(e)~~ "Owner" means ~~a person~~ **an individual** who owns, ~~or~~  
29 harbors, ~~a dog or other~~ **keeps, possesses, or has control or custody**

1 of a dog or other animal.

2 (l) Owner's real property" means real property owned or leased  
3 by the owner of a dog or other animal. Owner's real property does  
4 not include a public right-of-way or a common area of a condominium  
5 complex, manufactured home park, apartment complex, or townhouse  
6 development.

7 (m) "Potentially dangerous dog" means 1 or more of the  
8 following, subject to subdivision (f):

9 (i) A dog that has a known propensity or disposition, as  
10 indicated by sworn statements from at least 2 adults and an  
11 investigation by an appropriate authority, to attack without  
12 provocation and in a menacing fashion or to threaten the safety of  
13 humans or domestic animals.

14 (ii) A dog that has inflicted severe injury on a domestic  
15 animal, and that domestic animal was on or chased from the owner's  
16 real property or was otherwise under the control of its owner, if  
17 the dog inflicted the injury while on property other than its  
18 owner's real property.

19 (iii) A dog that bites an individual without provocation and  
20 inflicts a severe injury upon that individual.

21 (n) ~~(d)~~ "Provoke" means to perform a willful act or omission  
22 that an ordinary and reasonable person would conclude is likely to  
23 precipitate ~~the bite or an~~ attack by ~~an ordinary a~~ dog or **other**  
24 animal.

25 ~~(e) "Serious injury" means permanent, serious disfigurement,~~  
26 ~~serious impairment of health, or serious impairment of a bodily~~  
27 ~~function of a person.~~

28 (o) "Severe injury" means physical injury that results in  
29 broken bones, muscle tears, multiple bite wounds, or disfiguring

1 lacerations and requires multiple surgeries or corrective or  
2 cosmetic surgery.

3 (p) "State veterinarian" means the chief animal health  
4 official of this state as appointed by the director of the  
5 department of agriculture and rural development under section 7 of  
6 the animal industry act, 1988 PA 466, MCL 287.707, or the state  
7 veterinarian's authorized representative.

8 (q) ~~(f)~~—"Torment" means an act or omission that causes  
9 unjustifiable pain, suffering, and distress to ~~an~~**a dog or other**  
10 animal, or causes mental and emotional anguish in the **dog or other**  
11 animal as evidenced by its ~~altered~~**changed** behavior, for a purpose  
12 such as sadistic pleasure, coercion, or punishment that an ordinary  
13 and reasonable person would conclude is likely to precipitate ~~the~~  
14 ~~bite or an~~ attack.

15 (r) "Without provocation" means that a victim was acting  
16 lawfully and peacefully at the time the victim was bitten,  
17 attacked, or threatened, or chased in a menacing fashion by a dog.

18 (s) "Veterinarian" means an individual licensed to engage in  
19 the practice of veterinary medicine under part 188 of the public  
20 health code, 1978 PA 368, MCL 333.18801 to 333.18838.

21 Sec. 2. (1) Upon a sworn complaint that an animal is a  
22 dangerous animal and has caused ~~serious~~**severe** injury or death to  
23 an individual or ~~has caused serious injury or death to a dog,~~  
24 **domestic animal**, a district court magistrate, district court, or  
25 municipal court shall issue a summons to the owner ordering ~~him or~~  
26 ~~her~~**the owner** to appear to show cause why the animal should not be  
27 destroyed.

28 (2) Upon the filing of a sworn complaint as provided in  
29 subsection (1), the district court magistrate, district court, or

1 municipal court shall order the owner to immediately turn the  
2 animal over to an animal control ~~authority, department,~~  
3 incorporated humane society, veterinarian, or boarding kennel, at  
4 the owner's option, to be retained until a hearing is held and a  
5 decision is made for the disposition of the animal. The owner shall  
6 notify the person that retains the animal under this subsection of  
7 the complaint and order. The owner is responsible for the expense  
8 of the boarding and retention of the animal. The animal must not be  
9 returned to the owner until the animal has a current rabies  
10 vaccination and license as required by law, **if applicable.**

11 (3) After a hearing, if the animal is found to be a dangerous  
12 animal that caused ~~serious~~ **severe** injury or death to an individual  
13 or a ~~dog,~~ **domestic animal**, the district court magistrate, district  
14 court, or municipal court shall order the destruction of the  
15 animal, at the owner's expense. After a hearing, ~~if the animal has~~  
16 ~~been previously adjudicated a dangerous animal or is found to be a~~  
17 ~~dangerous animal that did not cause serious injury or death to an~~  
18 ~~individual but is likely to cause serious injury or death to an~~  
19 ~~individual in the future,~~ **if the court finds that the animal is a**  
20 **dangerous animal that did not cause severe injury or death to an**  
21 **individual or domestic animal, but is likely to cause severe injury**  
22 **or death to an individual or domestic animal in the future,** the  
23 district court magistrate, district court, or municipal court may  
24 order the destruction of the animal, at the owner's expense.

25 (4) If the district court magistrate, district court, or  
26 municipal court finds that an animal is a dangerous animal that has  
27 not caused ~~serious~~ **severe** injury or death to an individual **or**  
28 **domestic animal**, the district court magistrate, district court, or  
29 municipal court shall notify the animal control ~~authority~~

1 **department** for the county in which the complaint was filed of all  
2 of the following **information**:

3 (a) The finding of the court.

4 (b) The name of the owner of the dangerous animal.

5 (c) The address at which the animal was kept at the time of  
6 the finding.

7 (5) If the district court magistrate, district court, or  
8 municipal court finds that an animal is a dangerous animal that has  
9 not caused ~~serious~~**severe** injury or death to an individual ~~under~~  
10 ~~subsection (4), or a domestic animal~~, the district court  
11 magistrate, district court, or municipal court shall order the  
12 owner of that animal to do 1 or more of the following:

13 ~~(a) If the dangerous animal is a member of the *Canis lupus*~~  
14 ~~*familiaris* species, have a permanent identification number assigned~~  
15 ~~to the animal, at the owner's expense, by or under the supervision~~  
16 ~~of a veterinarian.~~

17 (a) ~~(b)~~ Take specific steps, such as escape proof fencing or  
18 an enclosure, that **provides protection from the elements and**  
19 includes a top or roof, to ensure that the animal cannot escape ~~or~~  
20 ~~an~~**and** unauthorized ~~individual~~**individuals** cannot enter the  
21 premises.

22 (b) ~~(c)~~ Have the animal sterilized.

23 (c) ~~(d)~~ Obtain and maintain liability insurance coverage  
24 sufficient to protect the public from any damage or harm caused by  
25 the animal.

26 (d) ~~(e)~~ Take any other action appropriate to protect the  
27 public.

28 **Sec. 2a. Upon the filing of a sworn complaint that a dog is a**  
29 **potentially dangerous dog or dangerous dog, a district court**

1 magistrate, district court, or municipal court shall do both of the  
2 following:

3 (a) Issue a summons to the owner ordering the owner to appear  
4 to show cause why the dog should not be declared a potentially  
5 dangerous dog or dangerous dog at a time and place specified in the  
6 summons.

7 (b) If the dog poses an immediate threat to public safety,  
8 order that the animal control department or law enforcement agency  
9 impound the dog, at the owner's expense, until a hearing is held  
10 and a decision is made for the disposition of the dog.

11 Sec. 2b. (1) After a hearing under section 2a, if the district  
12 court magistrate, district court, or municipal court finds that a  
13 dog is a potentially dangerous dog, the district court magistrate,  
14 district court, or municipal court shall order the owner to do all  
15 of the following:

16 (a) Have the dog sterilized and vaccinated for rabies.

17 (b) Obtain a license for the dog as provided in the dog law of  
18 1919, 1919 PA 339, MCL 287.261 to 287.290.

19 (c) Not later than 30 days after the district court  
20 magistrate, district court, or municipal court issues its finding,  
21 give written notice of the finding to the local branch of the  
22 United States Post Office and all utility companies that provide  
23 services to the owner's real property. The owner shall provide a  
24 copy of each notice given under this section to the animal control  
25 department.

26 (d) Disclose the finding in writing to each provider of  
27 service or treatment to the dog. As used in this subdivision,  
28 "provider of service or treatment" includes, but is not limited to,  
29 all of the following:

1 (i) A veterinarian.

2 (ii) A dog groomer.

3 (iii) A staff member of a humane society or other animal welfare  
4 agency.

5 (iv) An animal care facility worker.

6 (v) A professional dog handler or trainer.

7 (e) While on the owner's real property, keep the dog indoors  
8 or in a securely fenced yard from which the dog cannot escape and  
9 into which children cannot trespass.

10 (f) While outside the owner's real property, keep the dog  
11 under the control of a responsible adult and restrained on a leash  
12 that is not longer than 6 feet.

13 (2) Except as provided in subsection (3), after a hearing  
14 under section 2a, if the district court magistrate, district court,  
15 or municipal court finds that a dog is a dangerous dog and if the  
16 release of the dog would pose a significant threat to public  
17 health, safety, or welfare, the district court magistrate, district  
18 court, or municipal court shall order 1 or both of the following,  
19 and in addition, may prohibit the owner from owning, possessing,  
20 controlling, or having custody of any dog for a time period of up  
21 to 3 years:

22 (a) The owner to relinquish the dog to the animal control  
23 department.

24 (b) The animal control department to euthanize the dog.

25 (3) After a hearing under section 2a, if the district court  
26 magistrate, district court, or municipal court finds that the dog  
27 is a dangerous dog but does not order the dog to be euthanized  
28 under subsection (2)(b), the district court magistrate, district  
29 court, or municipal court shall order the owner to do all of the

1 following:

2 (a) Complete the requirements under subsection (1)(a) to (d).

3 (b) Have a veterinarian implant the dog with a microchip.

4 (c) While on the owner's real property, confine the dog  
5 indoors or in a securely enclosed and locked structure of a  
6 sufficient height and design to prevent the dog's escape or direct  
7 contact with or entry by an individual or other animal, and that is  
8 designed to provide shelter from the elements.

9 (d) While outside the owner's real property, the owner shall  
10 do all of the following:

11 (i) Ensure that the dog is wearing a muzzle that prevents the  
12 dog from biting an individual or another animal, but that does not  
13 injure the dog or interfere with its breathing.

14 (ii) Keep the dog under the control of a responsible adult.

15 (iii) Restrain the dog on a leash that is not longer than 6  
16 feet.

17 Sec. 2c. (1) The owner of a dog that is found to be a  
18 potentially dangerous dog or dangerous dog under section 2b shall  
19 notify the animal control department if any of the following occur:

20 (a) The dog is loose or unconfined.

21 (b) The dog bites an individual or attacks an animal.

22 (c) Except as otherwise provided in subsection (3), the dog is  
23 sold, given away, or dies.

24 (2) If the owner of a dog that is found to be a potentially  
25 dangerous dog or dangerous dog under section 2b moves to a new  
26 address, the owner shall notify the animal control department  
27 having jurisdiction of the owner's previous address and the animal  
28 control department having jurisdiction of the owner's new address  
29 within 10 days after the owner moves.

1           (3) The owner of a dangerous dog shall not sell or otherwise  
2 transfer ownership of the dog. The owner of a dangerous dog shall  
3 not relinquish the dog to an animal control department except for  
4 the purposes of euthanasia.

5           Sec. 2d. (1) The animal control department shall maintain a  
6 list of all dogs within its jurisdiction that have been found to be  
7 potentially dangerous dogs under section 2b for 5 years.

8           (2) The animal control department may remove a potentially  
9 dangerous dog from the list maintained under subsection (1) if the  
10 owner demonstrates to the satisfaction of the animal control  
11 department that a change in circumstances or an action taken by the  
12 owner has mitigated the risk the dog poses to public safety.

13          Sec. 2e. (1) Not later than 10 days after a dog is found to be  
14 a dangerous dog under section 2b, the owner shall obtain a  
15 dangerous dog registration certificate and tag that identifies the  
16 dog as a dangerous dog from the animal control department for a fee  
17 of not less than \$100.00, to be determined by the county board of  
18 commissioners for the county within which the animal control  
19 department is located. The tag described in this subsection must be  
20 of a uniform design developed by the same entity that develops the  
21 dog licenses for the animal control department issuing the tag, and  
22 must specify, in large letters, the phrase "dangerous dog". A  
23 registration certificate or renewal of a registration certificate  
24 under this subsection must only be issued to an individual who is  
25 18 years of age or older. The animal control department shall only  
26 issue a registration certificate or renewal of a registration  
27 certificate to an owner who presents satisfactory evidence of all  
28 of the following:

29          (a) That the dog is vaccinated for rabies, altered, and

1 microchipped as required under section 2b(3).

2 (b) That the dog is confined indoors or in a securely enclosed  
3 and locked structure of a sufficient height and design to prevent  
4 the dog's escape or direct contact with or entry by an individual  
5 or other animal, and that is designed to provide shelter from the  
6 elements.

7 (c) That the owner posts clearly visible signs on the owner's  
8 property warning individuals that a dangerous dog is present on the  
9 property.

10 (d) That the owner has 1 of the following:

11 (i) Liability insurance coverage that covers dog bites in an  
12 amount of at least \$100,000.00.

13 (ii) A surety bond in an amount of at least \$100,000.00.

14 (2) The owner shall affix the tag described in subsection (1)  
15 to the dog's collar and ensure that the dog wears the collar and  
16 tag at all times.

17 (3) The owner shall, for a fee, annually renew a registration  
18 certificate under subsection (1) in the same manner in which the  
19 initial registration certificate was obtained.

20 (4) The animal control department shall provide a copy of each  
21 dangerous dog registration issued under this section and  
22 verification of compliance with subsection (1) to the state  
23 veterinarian.

24 Sec. 3. (1) The owner of ~~an~~ **a dangerous** animal ~~that meets the~~  
25 ~~definition of a dangerous animal in section 1(a)~~ that causes the  
26 death of ~~a person~~ **an individual** is guilty of involuntary  
27 manslaughter, punishable under section 321 of the Michigan penal  
28 code, ~~Act No. 328 of the Public Acts of 1931, being section 750.321~~  
29 ~~of the Michigan Compiled Laws.1931 PA 328, MCL 750.321.~~

1           ~~(2) If an animal that meets the definition of a dangerous~~  
 2 ~~animal in section 1(a) attacks a person and causes serious injury~~  
 3 ~~other than death, the~~ **The owner of the a dangerous animal that**  
 4 **attacks an individual and causes severe injury other than death is**  
 5 guilty of a felony ~~punishable by imprisonment~~ **1 or more of the**  
 6 **following:**

7           **(a) Imprisonment** for not more than 4 years. ~~or~~

8           **(b) A fine** of not less than \$2,000.00. ~~or~~

9           **(c) Not less than 500 hours of** community service. ~~work for not~~  
 10 ~~less than 500 hours, or any combination of these penalties.~~

11           ~~(3) If an animal previously adjudicated to be a dangerous~~  
 12 ~~animal attacks or bites a person and causes an injury that is not a~~  
 13 ~~serious injury, the~~ **The owner of the a previously adjudicated**  
 14 **dangerous animal that after the previous adjudication attacks or**  
 15 **bites an individual and causes an injury that is not a severe**  
 16 **injury** is guilty of a misdemeanor ~~punishable by imprisonment~~ **1 or**  
 17 **more of the following:**

18           **(a) Imprisonment** for not more than 90 days. ~~or~~

19           **(b) A fine** of not less than \$250.00 ~~nor~~ **or** more than \$500.00.  
 20 ~~or~~

21           **(c) Not less than 240 hours of** community service. ~~work for not~~  
 22 ~~less than 240 hours, or any combination of these penalties.~~

23           ~~(4) If the owner of an animal that is previously adjudicated~~  
 24 ~~to be a dangerous animal allows the animal to run at large, the~~ **The**  
 25 **owner of a previously adjudicated dangerous animal that after the**  
 26 **previous adjudication is allowed to run at large** is guilty of a  
 27 misdemeanor ~~punishable by imprisonment~~ **1 or more of the**  
 28 **following:**

29           **(a) Imprisonment** for not more than 90 days. ~~or~~

1           **(b) A** fine of not less than \$250.00 ~~per~~**or** more than \$500.00.  
2 ~~, or~~

3           **(c) Not less than 240 hours of** community service. ~~work for not~~  
4 ~~less than 240 hours, or any combination of these penalties.~~

5           (5) The court may order ~~a person~~**an individual** convicted under  
6 this section to pay the costs of the prosecution.

7           **Sec. 3a. (1) If the owner of a potentially dangerous dog or**  
8 **dangerous dog fails to comply with this act, the owner is guilty of**  
9 **a felony punishable by 1 or more of the following:**

10           (a) Imprisonment for not more than 4 years.

11           (b) A fine of not less than \$2,000.00.

12           (c) Not less than 500 hours of community service.

13           (2) If a potentially dangerous dog or dangerous dog attacks an  
14 individual after a finding is made under section 2b, the owner  
15 shall relinquish the dog to the appropriate animal control  
16 department within 7 days. The animal control department shall  
17 euthanize the dog.

18           **Sec. 3b. The governing body of a local unit of government may**  
19 **enact an ordinance regulating potentially dangerous dogs and**  
20 **dangerous dogs that is substantially similar to sections 2a to 2e.**