

SENATE BILL NO. 294

May 13, 2025, Introduced by Senators POLEHANKI, BAYER, SHINK, CHANG and GEISS and referred to Committee on Civil Rights, Judiciary, and Public Safety.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 50b (MCL 750.50b), as amended by 2018 PA 452.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 50b. (1) As used in this section:
2 (a) "Animal" means a vertebrate other than a human being.
3 (b) "Companion animal" means an animal that is commonly
4 considered to be, or is considered by ~~its~~**the animal's** owner to be,
5 a pet, or that is a service animal. ~~as that term is defined in~~

1 ~~section 50a.~~ Companion animal includes, but is not limited to, dogs
2 and cats.

3 (2) Except as otherwise provided in this section, a person
4 shall not do any of the following without just cause:

5 (a) Knowingly kill, torture, mutilate, maim, or disfigure an
6 animal.

7 (b) Commit a reckless act knowing or having reason to know
8 that the act will cause an animal to be killed, tortured,
9 mutilated, maimed, or disfigured.

10 (c) Knowingly administer poison to an animal, or knowingly
11 expose an animal to any poisonous substance, with the intent that
12 the substance be taken or swallowed by the animal.

13 (d) Violate or threaten to violate subdivision (a) or (c) with
14 the intent to cause mental suffering or distress to a person or to
15 exert control over a person.

16 (3) If the animal is a companion animal and if a person
17 violates subsection (2) (d) and intentionally violates subsection
18 (2) (a) or (c), the person is guilty of killing or torturing animals
19 in the first degree.

20 (4) If the animal is a companion animal and a person violates
21 subsection (2) (d), or if a person intentionally violates subsection
22 (2) (a) or (c), the person is guilty of killing or torturing animals
23 in the second degree.

24 (5) Except as otherwise provided in subsections (3) and (4), a
25 person who violates subsection (2) is guilty of killing or
26 torturing animals in the third degree.

27 (6) Killing or torturing animals in the first degree is a
28 felony punishable by 1 or more of the following:

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

1 (b) A fine of not more than \$5,000.00.

2 (c) Community service for not more than 500 hours.

3 (7) Killing or torturing animals in the second degree is a
4 felony punishable by 1 or more of the following:

5 (a) Imprisonment for not more than 7 years.

6 (b) A fine of not more than \$5,000.00.

7 (c) Community service for not more than 500 hours.

8 (8) Killing or torturing animals in the third degree is a
9 felony punishable by 1 or more of the following:

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

11 (b) A fine of not more than \$5,000.00.

12 (c) Community service for not more than 500 hours.

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

18 (10) As a part of the sentence for a violation of subsection
19 (2), the court may order the defendant to pay **restitution,**
20 **including, but not limited to,** the costs of **the investigation of**
21 **the violation of this section, the costs of** the prosecution, and
22 the costs of the **seizure,** care, housing, ~~and~~ veterinary medical
23 care, ~~for~~ **and disposition of** the animal victim, as applicable. **The**
24 **costs of the seizure, care, housing, veterinary medical care, and**
25 **disposition of the animal victim should not be included in the**
26 **sentence if they were previously paid by the defendant with a**
27 **security deposit or bond as described in subsection (22), (24),**
28 **(25), or (27).** If the court does not order a defendant to pay all
29 of the applicable costs listed in this subsection, or orders only

1 partial payment of these costs, the court shall state on the record
2 the reasons for that action. **As used in this subsection,**
3 **"disposition of the animal victim" includes, but is not limited to,**
4 **the transfer, euthanasia, or adoption of the animal.**

5 (11) If a term of probation is ordered for a violation of
6 subsection (2), the court may include as a condition of that
7 probation that the defendant 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 at ~~his or her~~ **the defendant's** own expense.

11 (12) As a part of the sentence for a violation of subsection
12 (2), the court may order the defendant not to own or possess an
13 animal for any period of time determined by the court, which may
14 include permanent relinquishment.

15 (13) A person ~~who~~ **that** owns or possesses an animal in
16 violation of an order issued under subsection (12) is subject to
17 revocation of probation if the order is issued as a condition of
18 probation. A person ~~who~~ **that** owns or possesses an animal in
19 violation of an order issued under subsection (12) is also subject
20 to the civil and criminal contempt power of the court and, if found
21 guilty of criminal contempt, may be punished by imprisonment for
22 not more than 90 days, ~~or~~ a fine of not more than \$500.00, or both.

23 (14) This section does not prohibit the lawful killing of
24 livestock or a customary animal husbandry or farming practice
25 involving livestock.

26 (15) This section does not prohibit the lawful killing of an
27 animal ~~pursuant to~~ **under** any of the following:

28 (a) Fishing.

29 (b) Hunting, trapping, or wildlife control regulated under the

1 natural resources and environmental protection act, 1994 PA 451,
2 MCL 324.101 to 324.90106, and orders issued under that act.

3 (c) Pest or rodent control regulated under part 83 of the
4 natural resources and environmental protection act, 1994 PA 451,
5 MCL 324.8301 to 324.8336.

6 (d) Section 19 of the dog law of 1919, 1919 PA 339, MCL
7 287.279.

8 (16) This section does not prohibit the lawful killing or use
9 of an animal for scientific research under any of the following or
10 a rule promulgated under any of the following:

11 (a) 1969 PA 224, MCL 287.381 to 287.395.

12 (b) Sections 2226, 2671, 2676, 7109, and 7333 of the public
13 health code, 1978 PA 368, MCL 333.2226, 333.2671, 333.2676,
14 333.7109, and 333.7333.

15 (17) This section does not apply to a veterinarian or a
16 veterinary technician lawfully engaging in the practice of
17 veterinary medicine under part 188 of the public health code, 1978
18 PA 368, MCL 333.18801 to 333.18838.

19 (18) This section does not prohibit the lawful killing or use
20 of an animal under the animal industry act, 1988 PA 466, MCL
21 287.701 to 287.746.

22 **(19) Except as provided in this subsection and subsection**
23 **(28), an animal that is a victim of a violation of this section and**
24 **was seized by an animal control agency pending the outcome of a**
25 **criminal action that charges a violation of this section must not**
26 **be returned to the owner or possessor of the animal if the owner or**
27 **possessor is alleged to have violated this section. A seized animal**
28 **must be taken to a local animal control agency or a local animal**
29 **control agency's designee. A service animal that is a victim of a**

1 violation of this section may be seized by an animal control agency
2 under this section at the animal control agency's discretion,
3 taking into consideration the totality of the circumstances. If an
4 animal owner or possessor is convicted of violating subsection (2),
5 the court shall award the animal involved in the violation to the
6 animal control agency for evaluation and disposition.

7 (20) An animal control agency taking custody of an animal
8 under subsection (19) shall give notice not later than 72 hours
9 after the seizure of the animal in person or by registered mail to
10 the last known address of the animal's owner, if the owner of the
11 animal is known. If the owner of the animal is unknown, the animal
12 control agency shall give notice not later than 72 hours after the
13 seizure by 1 of the following methods:

14 (a) Posting at the location of the seizure.

15 (b) Delivery to an individual that resides at the location of
16 the seizure.

17 (c) Registered mail to the location of the seizure.

18 (21) The notice required under subsection (20) must include
19 all of the following:

20 (a) A description of each animal seized.

21 (b) The time, date, location, and description of circumstances
22 under which the animal was seized.

23 (c) The address and telephone number of the location where or
24 under what animal control agency's authority the animal is being
25 held and contact information for the individual present at that
26 location from whom security deposit or bond information may be
27 obtained.

28 (d) A statement that the owner or possessor of the animal may
29 post a security deposit or bond that may prevent the forfeiture of

1 the animal for the duration of the criminal, forfeiture, or other
2 court proceeding until the court makes a final determination
3 regarding the animal's disposition; that failure to post a security
4 deposit or bond within 14 days after the date on the notice will
5 result in forfeiture of the animal; and that the owner or possessor
6 of the animal may, before the expiration of the 14-day period
7 described in this subdivision, request a hearing from the court
8 with jurisdiction over the alleged violation of subsection (2) on
9 whether the requirement to post a security deposit or bond is
10 justified, whether the cost associated with the security deposit or
11 bond is fair and reasonable for the care of and provision for the
12 seized animal as the costs are described in subsection (10), or
13 both.

14 (e) A statement that the owner or possessor of the animal is
15 responsible for all costs described in subsection (10), unless the
16 court determines that the seizure of the animal was not
17 substantially justified by law.

18 (22) A request for a hearing within 14 days after the date on
19 the notice prevents forfeiture of the animal until the court
20 determines whether the requirement to post a security deposit or
21 bond is justified, whether the amount of the security deposit or
22 bond is fair and reasonable, or both. Notice of a request for a
23 hearing under subsection (21) must be served on the animal control
24 agency holding the animal before the expiration of the 14-day
25 period described in subsection (21). A hearing on whether the
26 requirement to post a security deposit or bond is justified,
27 whether the amount of the security deposit or bond is fair and
28 reasonable, or both, must be held not later than 21 days after the
29 request for a hearing. The hearing is before a judge without a jury

1 and the prosecuting attorney has the burden to establish by a
2 preponderance of the evidence that a violation of this section
3 occurred. If the court finds that the prosecuting attorney has met
4 the burden, that the security deposit or bond is fair and
5 reasonable, or both, the animal will be forfeited to the animal
6 control agency that seized the animal unless the owner or possessor
7 of the animal posts the required security deposit or bond within 72
8 hours after the hearing. The court shall consider the owner's or
9 possessor's ability to pay as part of the court's finding of
10 whether the amount of the security deposit or bond is fair and
11 reasonable. For the purpose of determining the owner's or
12 possessor's ability to pay only, the court shall consider the
13 owner's or possessor's employment status, employment history, and
14 financial history. An owner's or possessor's failure to appear at a
15 scheduled hearing requested under this subsection will result in
16 automatic forfeiture of the animal to the animal control agency if
17 the date of the scheduled hearing is more than 14 days after the
18 date on the notice described in subsection (21). The testimony of a
19 defendant at a hearing held under this subsection is only
20 admissible against the defendant for the purpose of impeachment or
21 in a criminal prosecution for perjury. The testimony of a defendant
22 at a hearing held under this subsection does not waive the
23 defendant's constitutional right against self-incrimination.

24 (23) An animal control agency that holds or requires to be
25 held a seized animal under subsection (19) shall hold the animal
26 for a period of 14 consecutive days, including weekends and
27 holidays, beginning on the date notice was given under subsection
28 (20). After the expiration of the 14 days, if the owner or a
29 possessor of the animal has not posted a security deposit or bond

1 as provided in subsections (21) and (24) or requested a hearing as
2 described in subsection (22), the animal is forfeited, and the
3 animal control agency may dispose of the animal by transfer to
4 another animal control agency, humane euthanasia, or adoption.

5 (24) The security deposit or bond described in subsection
6 (21)(d) must be in a sufficient amount to secure payment of all
7 costs described in subsection (10) during a 30-day period after
8 examination of the animal by a licensed veterinarian. The animal
9 control agency shall determine the amount of the security deposit
10 or bond not later than 72 hours after the seizure of the animal and
11 shall make the amount of the security deposit or bond available to
12 the owner or possessor of the animal on request. Unless the owner
13 or possessor of the animal requests a hearing as described in
14 subsection (22), the owner or possessor of the animal shall provide
15 proof of the security deposit or bond to the animal control agency
16 not later than 14 days after the date on the notice described in
17 subsection (21).

18 (25) If an animal is seized and is being held by an animal
19 control agency or an animal control agency's designee pending the
20 outcome of a criminal action charging a violation of this section
21 and the process in subsections (20) through (24) was not utilized,
22 before final disposition of the criminal charge, the prosecuting
23 attorney may file a civil action in the court that has jurisdiction
24 of the criminal action requesting that the court issue an order to
25 forfeit the animal to the animal control agency before final
26 disposition of the criminal charge. The prosecuting attorney shall
27 serve a true copy of the summons and complaint on the defendant
28 owner or possessor of the animal. On the filing of the civil
29 action, the court shall set a hearing on the complaint. The hearing

1 must be conducted not later than 21 days after the filing of the
2 civil action. The hearing must be before a judge without a jury. At
3 the hearing, the prosecuting attorney has the burden of
4 establishing by a preponderance of the evidence that a violation of
5 this section occurred. If the court finds that the prosecuting
6 attorney has met the burden and that the amount of the security
7 deposit or bond necessary to prevent the forfeiture of the animal
8 from the date of the seizure to 30 days after the date of the
9 hearing is fair and reasonable based on costs described in
10 subsection (10), the court shall order immediate forfeiture of the
11 animal to the animal control agency unless the defendant owner or
12 possessor, within 72 hours after the hearing, submits to the court
13 clerk a security deposit or bond in a sufficient amount to secure
14 payment of all costs described in subsection (10) after examination
15 of the animal by a licensed veterinarian from the date of the
16 seizure to the date of the hearing and for an additional period of
17 30 days. The court shall consider the owner's or possessor's
18 ability to pay as part of the court's finding of whether the amount
19 of the security deposit or bond is fair and reasonable. For the
20 purpose of determining the owner's or possessor's ability to pay
21 only, the court shall consider the owner's or possessor's
22 employment status, employment history, and financial history. A
23 defendant owner or possessor's failure to post a security deposit
24 or bond within 72 hours after the hearing or the defendant owner or
25 possessor's failure to appear at a scheduled hearing under this
26 subsection will result in automatic forfeiture of the animal to the
27 animal control agency. The testimony of a defendant at a hearing
28 held under this subsection is only admissible against the defendant
29 for the purpose of impeachment or in a criminal prosecution for

1 perjury. The testimony of a defendant at a hearing held under this
2 subsection does not waive the defendant's constitutional right
3 against self-incrimination.

4 (26) An animal control agency that holds or requires to be
5 held a seized animal as provided in this section may draw on a
6 security deposit or bond posted under subsection (22), (24), (25),
7 or (27) to cover the actual reasonable costs incurred as described
8 in subsection (10) from the date of the seizure to the date of the
9 official disposition of the animal in the criminal action.

10 (27) If a security deposit or bond has been posted under
11 subsection (22), (24), or (25), and trial in the criminal action
12 does not occur within the initial 30-day bond period or is
13 continued to a later date, the owner or possessor shall post an
14 additional security deposit or bond in an amount determined
15 sufficient to cover the costs described in subsection (10) as
16 anticipated to be incurred by the animal control agency caring for
17 the animal. The additional security deposit or bond must be
18 calculated in 30-day increments and continue until the criminal
19 action is resolved. If the owner or possessor of the animal fails
20 to post a new security deposit or bond with the court before the
21 previous security deposit or bond expires, the animal is forfeited
22 to the animal control agency caring for the animal.

23 (28) If the owner or possessor that posted a security deposit
24 or bond under subsection (22), (24), (25), or (27) is found not
25 guilty in the criminal action, the amount of the security deposit
26 or bond posted to prevent disposition of the animal if unused for
27 the animal cost of care and, subject to subsections (29), (30), and
28 (31), the animal must be returned to the owner.

29 (29) If a security deposit or bond is posted by an owner or

1 possessor of an animal under subsection (22), (24), (25), or (27)
2 and the court determines that the animal lacks any useful purpose
3 or poses a threat to public safety under subsection (31), the
4 posting of the security deposit or bond must not prevent
5 disposition of the animal.

6 (30) Upon receiving an animal seized under this section, or at
7 any time thereafter, an animal control agency may humanely
8 euthanize the animal or have the animal euthanized if, in the
9 opinion of a licensed veterinarian, the animal is injured or
10 diseased past recovery or the animal's continued existence is
11 inhumane so that euthanasia is necessary to relieve pain and
12 suffering. This subsection applies to an animal regardless of
13 whether a security deposit or bond has been posted under subsection
14 (22), (24), (25), or (27).

15 (31) An animal control agency that receives an animal seized
16 under this section may apply to the district court or municipal
17 court for a hearing to determine whether the animal must be
18 humanely euthanized because of the animal's lack of any useful
19 purpose or the public safety threat it poses. The court shall hold
20 a hearing not later than 30 days after the filing of the
21 application and shall give notice of the hearing to the owner of
22 the animal. Upon a finding by the court that the animal lacks any
23 useful purpose or poses a threat to public safety, the animal
24 control agency shall humanely euthanize the animal or have the
25 animal euthanized. Costs described in subsection (10) that are
26 incurred by an animal control agency, or by a person may, in the
27 court's discretion, be assessed against the owner of the animal.

28 (32) An animal control agency is immune from civil liability
29 for the lawful disposition of an animal under this section.