

# 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~~

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

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

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

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

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

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

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

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

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

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

(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

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

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