

## **DANGEROUS ANIMALS**

### **Act 426 of 1988**

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.

**History:** 1988, Act 426, Eff. Mar. 30, 1989;—Am. 2022, Act 121, Imd. Eff. June 29, 2022.

*The People of the State of Michigan enact:*

#### **287.321 Definitions.**

Sec. 1. As used in this act:

(a) "Dangerous animal" means a dog or other animal that bites or attacks a person, or a dog that bites or attacks and causes serious injury or death to another dog while the other dog is on the property or under the control of its owner. However, a dangerous animal does not include any of the following:

(i) An animal that bites or attacks a person who is knowingly trespassing on the property of the animal's owner.

(ii) An animal that bites or attacks a person who provokes or torments the animal.

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

(iv) Livestock.

(b) "Livestock" means animals used for human food and fiber or animals used for service to human beings. Livestock includes, but is not limited to, cattle, swine, sheep, llamas, goats, bison, equine, poultry, and rabbits. Livestock does not include animals that are human companions, such as dogs and cats.

(c) "Owner" means a person who owns or harbors a dog or other animal.

(d) "Provoke" means to perform a willful act or omission that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack by an ordinary dog or animal.

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

(f) "Torment" means an act or omission that causes unjustifiable pain, suffering, and distress to an animal, or causes mental and emotional anguish in the animal as evidenced by its altered behavior, for a purpose such as sadistic pleasure, coercion, or punishment that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack.

**History:** 1988, Act 426, Eff. Mar. 30, 1989.

#### **287.322 Sworn complaint; summons; surrender of animal; expense; rabies vaccination and license required; destruction of animal; notification of animal control authority; ordering owner of animals to take certain actions.**

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

(2) Upon the filing of a sworn complaint as provided in subsection (1), the district court magistrate, district court, or municipal court shall order the owner to immediately turn the animal over to an animal control authority, incorporated humane society, veterinarian, or boarding kennel, at the owner's option, to be retained until a hearing is held and a decision is made for the disposition of the animal. The owner shall notify the person that retains the animal under this subsection of the complaint and order. The owner is responsible for the expense of the boarding and retention of the animal. The animal must not be returned to the owner until the animal has a current rabies vaccination and license as required by law.

(3) After a hearing, if the animal is found to be a dangerous animal that caused serious injury or death to an individual or a dog, the district court magistrate, district court, or municipal court shall order the destruction of the animal, at the owner's expense. After a hearing, if the animal has been previously adjudicated a dangerous animal or is found to be a dangerous animal that did not cause serious injury or death to an individual but is likely to cause serious injury or death to an individual in the future, the district court magistrate, district court, or municipal court may order the destruction of the animal, at the owner's expense.

(4) If the district court magistrate, district court, or municipal court finds that an animal is a dangerous animal that has not caused serious injury or death to an individual, the district court magistrate, district court, or municipal court shall notify the animal control authority for the county in which the complaint was filed of

all of the following:

- (a) The finding of the court.
- (b) The name of the owner of the dangerous animal.
- (c) The address at which the animal was kept at the time of the finding.

(5) If the district court magistrate, district court, or municipal court finds that an animal is a dangerous animal that has not caused serious injury or death to an individual under subsection (4), the district court magistrate, district court, or municipal court shall order the owner of that animal to do 1 or more of the following:

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

(b) Take specific steps, such as escape proof fencing or an enclosure, that includes a top or roof, to ensure that the animal cannot escape or an unauthorized individual cannot enter the premises.

(c) Have the animal sterilized.

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

(e) Take any other action appropriate to protect the public.

**History:** 1988, Act 426, Eff. Mar. 30, 1989;—Am. 2022, Act 121, Imd. Eff. June 29, 2022.

### **287.323 Owner guilty of involuntary manslaughter, felony, or misdemeanor; penalty; costs.**

Sec. 3. (1) The owner of an animal that meets the definition of a dangerous animal in section 1(a) that causes the death of a person is guilty of involuntary manslaughter, punishable under section 321 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being section 750.321 of the Michigan Compiled Laws.

(2) If an animal that meets the definition of a dangerous animal in section 1(a) attacks a person and causes serious injury other than death, the owner of the animal is guilty of a felony, punishable by imprisonment for not more than 4 years, a fine of not less than \$2,000.00, or community service work for not less than 500 hours, or any combination of these penalties.

(3) If an animal previously adjudicated to be a dangerous animal attacks or bites a person and causes an injury that is not a serious injury, the owner of the animal is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, a fine of not less than \$250.00 nor more than \$500.00, or community service work for not less than 240 hours, or any combination of these penalties.

(4) If the owner of an animal that is previously adjudicated to be a dangerous animal allows the animal to run at large, the owner is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, a fine of not less than \$250.00 nor more than \$500.00, or community service work for not less than 240 hours, or any combination of these penalties.

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

**History:** 1988, Act 426, Eff. Mar. 30, 1989.