

750.49. Fighting, baiting, or shooting animals; transfer or adoption of animals trained or used for fighting; prohibited conduct; penalties; seizure and forfeiture

Sec. 49. (1) As used in this section:

(a) "Animal" means a vertebrate other than a human being.

(b) "Animal control agency" means an animal control shelter, an animal protection shelter, or a law enforcement agency. As used in this subdivision, "animal control shelter" and "animal protection shelter" mean those terms as defined in section 1 of 1969 PA 287, MCL 287.331.

(2) A person shall not knowingly do any of the following:

(a) Own, possess, use, buy, sell, offer to buy or sell, import, or export an animal for fighting or baiting, or as a target to be shot at as a test of skill in marksmanship.

(b) Be a party to or cause the fighting, baiting, or shooting of an animal as described in subdivision (a).

(c) Rent or otherwise obtain the use of a building, shed, room, yard, ground, premises, vehicle, or any other venue for fighting, baiting, or shooting an animal as described in subdivision (a).

(d) Permit the use of a building, shed, room, yard, ground, premises, vehicle, or any other venue belonging to him or her or under his or her control for any of the purposes described in this section.

(e) Organize, promote, or collect money, property, or any other thing of value for the fighting, baiting, or shooting of an animal as described in subdivisions (a) to (d).

(f) Be present at a building, shed, room, yard, ground, premises, vehicle, or any other venue where preparations are being made for an exhibition described in subdivisions (a) to (d), or be present at the exhibition, knowing that an exhibition is taking place or about to take place.

(g) Breed, buy, sell, offer to buy or sell, exchange, import, or export an animal the person knows has been trained or used for fighting as described in subdivisions (a) to (d), or breed, buy, sell, offer to buy or sell, exchange, import, or export the offspring of an animal the person knows has been trained or used for fighting as described in subdivisions (a) to (d). This subdivision does not prohibit owning, breeding, buying, selling, offering to buy or sell, exchanging, importing, or

exporting an animal for agricultural or agricultural exposition purposes. This subdivision does not prohibit an animal control agency from owning, adopting, or transferring ownership of an animal for the purpose of adoption of an animal trained or used for fighting as described in subdivisions (a) to (d) or an animal that is the first- or second-generation offspring of an animal trained or used for fighting as described in subdivisions (a) to (d). If an animal is found fit for placement and is transferred or adopted, the animal control agency that transfers or adopts the animal shall do all of the following:

(i) Sterilize the animal or collect a good-faith deposit for sterilization as required under section 8a of 1969 PA 287, MCL 287.338a.

(ii) Provide a copy of the animal's history, including, but not limited to, a description of why the animal was seized, veterinary records, and a copy of subsections (8) to (14) to the person to whom the animal is transferred or adopted.

(h) Own, possess, use, buy, sell, offer to buy or sell, transport, or deliver any device or equipment intended for use in the fighting, baiting, or shooting of an animal as described in subdivisions (a) to (d).

(3) A person who violates subsection (2)(a) to (e) is guilty of a felony punishable by 1 or more of the following:

(a) Imprisonment for not more than 4 years.

(b) A fine of not less than \$5,000.00 or more than \$50,000.00.

(c) Not less than 500 or more than 1,000 hours of community service.

(4) A person who violates subsection (2)(f) to (h) is guilty of a felony punishable by 1 or more of the following:

(a) Imprisonment for not more than 4 years.

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

(c) Not less than 250 or more than 500 hours of community service.

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

(6) The court may order a person convicted of violating this section to pay the costs for investigating the violation of this section, disposition of the animal, and housing and caring for the animal, including, but not limited to, providing veterinary medical treatment. As used in this subsection, "disposition" includes the transfer, euthanasia, or adoption of an animal.

(7) As part of the sentence for a violation of subsection (2), the court shall order the person convicted not to own or possess an animal of the same species involved in the violation of this section for 5 years after the date of sentencing. Failure to comply with the order of the court pursuant to this subsection is punishable as contempt of court.

(8) If a person incites an animal trained or used for fighting or an animal that is the first- or second-generation offspring of an animal trained or used for fighting to attack a person and the attack causes the death of that person, the owner is guilty of a felony punishable by imprisonment for life or for a term of years greater than 15 years.

(9) If a person incites an animal trained or used for fighting or an animal that is the first- or second-generation offspring of an animal trained or used for fighting to attack a person, but the attack does not result in the death of the person, the owner is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.

(10) If an animal trained or used for fighting or an animal that is the first- or second-generation offspring of an animal trained or used for fighting attacks a person without provocation and causes the death of that person, the owner of the animal is guilty of a felony punishable by imprisonment for not more than 15 years.

(11) If an animal trained or used for fighting or an animal that is the first- or second-generation offspring of an animal trained or used for fighting attacks a person without provocation, but the attack does not cause the death of the person, the owner is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(12) Subsections (8) to (11) do not apply if the person attacked was committing or attempting to commit an unlawful act on the property of the owner of the animal.

(13) If an animal trained or used for fighting or an animal that is the first- or second-generation offspring of a dog trained or used for fighting goes beyond the property limits of its owner without being securely restrained, the owner is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than \$50.00 nor more than \$500.00, or both.

(14) If an animal trained or used for fighting or an animal that is the first- or second-generation offspring of a dog trained or used for fighting is not securely enclosed or restrained on the owner's property, the owner is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.

(15) Subsections (8) to (14) do not apply to any of the following:

(a) A dog trained or used for fighting, or the first- or second-generation offspring of a dog trained or used for fighting, that is used by a law enforcement agency of this state or a county, city, village, or township.

(b) A certified leader dog recognized and trained by a national guide dog association for the blind or for persons with disabilities.

(c) A corporation licensed under the private security business and security alarm act, 1968 PA 330, MCL 338.1051 to 338.1092, when a dog trained or used for fighting, or the first- or second-generation offspring of a dog trained or used for fighting, is used in accordance with the private security business and security alarm act, 1968 PA 330, MCL 338.1051 to 338.1092.

(16) Except as provided in subsection (20), an animal that has been used to fight in violation of this section or that is involved in a violation of subsections (8) to (14) must be confiscated by a law enforcement officer and must not be returned to the owner, trainer, or possessor of the animal. The animal must be taken to a local animal control agency. If an animal owner, trainer, or possessor is convicted of violating subsection (2) or subsections (8) to (14), the court shall award the animal involved in the violation to the animal control agency for evaluation and disposition.

(17) An animal control agency taking custody of an animal under subsection (16) shall give notice within 72 hours after seizure of the animal by registered mail to the last known address of the animal's owner, if the owner of the animal is known. If the owner of the animal is unknown, an animal control agency taking custody of an animal under subsection (16) shall give notice within 72 hours after seizure of the animal by 1 of the following methods:

- (a) Posting at the location of the seizure.
- (b) Delivery to a person residing at the location of the seizure.
- (c) Registered mail to the location of the seizure.

(18) The notice required under subsection (17) must include all of the following:

- (a) A description of each animal seized.
- (b) The time, date, location, and description of circumstances under which the animal was seized.
- (c) The address and telephone number of the location where the animal is being held and contact information for the individual present at that location from whom security deposit or bond information may be obtained.
- (d) A statement that the owner or possessor of the animal may post a security deposit or bond that may prevent the forfeiture of the animal for the duration of the criminal, forfeiture, or other court proceeding until the court makes a final determination regarding the animal's disposition, that failure to post a security deposit or bond within 14 days after the date on the notice will result in forfeiture of the animal, and that the owner or possessor of the animal may, before the expiration of the 14-day period described in this subdivision, request a hearing on whether the requirement to post a security deposit or bond is justified or whether the cost associated with the security deposit or bond is fair and reasonable for the care of and provision for the seized animal. Notice of a request for a hearing under this subdivision must be served on the animal control agency holding the animal before the expiration of the 14-day period described in this subdivision. At a hearing on whether the requirement to post a security deposit or bond is justified, the prosecuting attorney has the burden to establish by a preponderance of the evidence that a violation of this section occurred. If the court finds that the prosecuting attorney has met its burden, the animal will be forfeited to the animal control agency that seized the animal unless the owner or possessor of the animal posts the required security deposit or bond. An owner or possessor's failure to appear at a scheduled hearing requested under this

subdivision will result in automatic forfeiture of the animal if the date of the scheduled hearing is more than 14 days after the date on the notice described in this subdivision.

(e) A statement that the owner or possessor of the animal is responsible for all costs described in subsection (6), unless the court determines that the seizure of the animal was not substantially justified by law.

(19) An animal control agency that has custody of a seized animal under subsection (16) shall hold the animal for a period of 14 consecutive days, including weekends and holidays, beginning on the date notice was given under subsection (17). After the expiration of the 14 days, if the owner or a possessor of the animal has not posted a security deposit or bond as provided in subsection (20), the animal is forfeited, and the animal control agency may dispose of the animal by adoption, transfer to another animal control agency, or humane euthanasia.

(20) The owner or possessor of an animal seized under subsection (16) may prevent forfeiture and disposition of the animal by an animal control agency for the duration of the criminal, forfeiture, or other court proceeding until the court makes a final determination regarding the animal's disposition by posting a security deposit or bond with the court within 14 days after the date on the notice described in subsection (18). The bond must be in a sufficient amount to secure payment of all costs described in subsection (6) during a 30-day period of boarding and veterinary treatment of the animal after examination by a licensed veterinarian. The animal control agency shall determine the amount of the bond no later than 72 hours after the seizure of the animal, and shall make the amount of the bond available to the owner or possessor of the animal upon request. The owner or possessor of the animal shall provide proof of the security deposit or bond to the animal control agency no later than 14 days after the date on the notice described in subsection (18).

(21) An animal control agency that is holding or requiring to be held a seized animal as provided in this section may draw on a security deposit or bond posted under subsection (20) or (22) to cover the actual reasonable costs incurred in the seizure, care, keeping, and disposition of the animal as described in subsection (6) from the date of the seizure to the date of the official disposition of the animal in the criminal action.

(22) If a security deposit or bond has been posted under subsection (20), and trial in the criminal action does not occur within the initial 30-day bond period or is continued to a later date, the owner or possessor shall post an additional security deposit or bond in an amount determined sufficient to cover the costs described in subsection (6) as anticipated to be incurred by the animal control agency caring for the animal. The additional security deposit or bond must be calculated in 30-day increments and continue until the criminal action is resolved. If the owner or possessor of the animal fails to post a new security deposit or bond with the court before the previous security deposit or bond expires, the animal is forfeited to the animal control agency caring for the animal.

(23) If the owner or possessor that posted a security deposit or bond under subsection (20) or (22) is found not guilty in the criminal action, the amount of the security deposit or bond posted to prevent disposition of the animal may be returned to the owner or

possessor at the court's discretion, and, subject to subsections (25) and (26), the animal must be returned to the owner.

(24) If a security deposit or bond is posted by an owner or possessor of an animal under subsection (20) or (22) and the court determines that the animal is a dangerous animal or lacks any useful purpose under subsection (26), the posting of the security deposit or bond must not prevent disposition of the animal.

(25) Upon receiving an animal seized under this section, or at any time thereafter, an animal control agency may humanely euthanize the animal or have the animal euthanized if, in the opinion of a licensed veterinarian, the animal is injured or diseased past recovery or the animal's continued existence is inhumane so that euthanasia is necessary to relieve pain and suffering. This subsection applies to an animal whether or not a security deposit or bond has been posted under subsection (20) or (22).

(26) An animal control agency that receives an animal 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 its lack of any useful purpose or the public safety threat it poses. The court shall hold a hearing not more 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. Expenses incurred in connection with the housing, care, upkeep, or euthanasia of the animal by an animal control agency, or by a person, firm, partnership, corporation, or other entity, may, in the court's discretion, be assessed against the owner of the animal.

(27) Subject to subsections (16), (25), and (26), all animals being used or to be used in fighting, equipment, devices, and money involved in a violation of subsection (2) must be forfeited to this state. All other instrumentalities, proceeds, and substituted proceeds of a violation of subsection (2) are subject to forfeiture under chapter 47 of the revised judicature act of 1961, 1961 PA 236, MCL 600.4701 to 600.4710.

(28) The seizing agency may deposit money seized under subsection (27) into an interest-bearing account in a financial institution. As used in this subsection, "financial institution" means a state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank, or credit union whose deposits are insured by an agency of the United States government and that maintains a principal office or branch office located in this state under the laws of this state or the United States.

(29) An attorney for a person who is charged with a violation of subsection (2) involving or related to money seized under subsection (27) must be afforded a period of 60 days within which to examine that money. This 60-day period will begin to run after notice of forfeiture is given but before the money is deposited into a financial institution under subsection (28). If the attorney general, prosecuting attorney, or city or township attorney fails to sustain his or her burden of proof in forfeiture proceedings under subsection (27), the court shall order the return of the money, including any interest earned on money deposited into a financial institution under subsection (28).

(30) This section does not apply to conduct that is permitted by and is in compliance with any of the following:

(a) Part 401 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.40101 to 324.40120.

(b) Part 435 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.43501 to 324.43561.

(c) Part 427 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.42701 to 324.42714.

(d) Part 417 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.41701 to 324.41712.

(31) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law that is committed by that person while violating this section.

750.50. Cruel and inhumane treatment of animals; prohibited conduct; forfeiture of animal; penalties; evaluation and counseling; definitions for §§ 750.50 and 750.50b

Sec. 50. (1) As used in this section and section 50b:

(a) "Adequate care" means the provision of sufficient food, water, shelter, sanitary conditions, exercise, and veterinary medical attention in order to maintain an animal in a state of good health.

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

(c) "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.

(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.

(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.

(f) "Licensed veterinarian" means a person licensed or otherwise authorized to practice veterinary medicine under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

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

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

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

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

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

(l) "Shelter" means adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of 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 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.

(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.

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

(o) "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 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 vehicle or otherwise without providing a secure space, rack, car, crate, or cage in which livestock may

stand and in which all other animals may stand, turn around, and lie down during transportation, or while awaiting slaughter. As used in this subdivision, for purposes of transportation of sled dogs, "stand" means sufficient vertical distance to allow the animal to stand without its shoulders touching the top of the crate or transportation vehicle.

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

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

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

(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 final disposition of the criminal charge. The prosecuting attorney shall serve a true copy of the summons and complaint upon the defendant and upon a person with a known ownership interest or known security interest in the animal or a person who has filed a lien with the secretary of state on the animal. The forfeiture of an animal under this section encumbered by a security interest is subject to the interest of the holder of the security interest if he or she did not have prior knowledge of or did not consent to the commission of the crime. Upon the filing of the civil action, the court shall set a hearing on the complaint. The hearing must be conducted within 14 days of the filing of the civil action, or as soon as practicable. The hearing must be before a judge without a jury. At the hearing, the prosecuting attorney has the burden of establishing by a preponderance of the evidence that a violation of this section or section 50b occurred. If the court finds that the prosecuting attorney has met this burden, the court shall order immediate forfeiture of the animal to the animal control shelter or animal protection shelter or the licensed veterinarian unless the defendant, within 72 hours of the hearing, submits to the court clerk cash or other form of security in an amount determined by the court to be sufficient to repay all reasonable costs incurred, and anticipated to be incurred, by the animal control shelter or animal protection shelter or the licensed veterinarian in caring for the animal from the date of initial impoundment to the date of trial. If cash or other security has been

submitted, and the trial in the action is continued at a later date, any order of continuance must require the defendant to submit additional cash or security in an amount determined by the court to be sufficient to repay all additional reasonable costs anticipated to be incurred by the animal control shelter or animal protection shelter or the licensed veterinarian in caring for the animal until the new date of trial. If the defendant submits cash or other security to the court under this subsection the court may enter an order authorizing the use of that cash or other security before final disposition of the criminal charges to pay the reasonable costs incurred by the animal control shelter or animal protection shelter or the licensed veterinarian in caring for the animal from the date of impoundment to the date of final disposition of the criminal charges. The testimony of a person at a hearing held under this subsection is not admissible against him or her in any criminal proceeding except in a criminal prosecution for perjury. The testimony of a person at a hearing held under this subsection does not waive the person's constitutional right against self-incrimination. An animal seized under this section or section 50b is not subject to any other civil action pending the final judgment of the forfeiture action under this subsection.

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

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

(i) Imprisonment for not more than 93 days.

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

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

(b) Except as otherwise provided in subdivisions (c) to (f), if the violation involved 2 or 3 animals or the death of any animal, the person is guilty of a misdemeanor punishable by 1 or more of the following and may be ordered to pay the costs of prosecution:

(i) Imprisonment for not more than 1 year.

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

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

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

(i) Imprisonment for not more than 2 years.

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

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

(d) If the violation involved 10 or more animals but fewer than 25 animals or the person had 2 prior convictions for violating subsection (2), the person is guilty of

a felony punishable by 1 or more of the following and may be ordered to pay the costs of prosecution:

(i) Imprisonment for not more than 4 years.

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

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

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

(i) Imprisonment for not more than 7 years.

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

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

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

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

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

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

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

(9) As a part of the sentence for a violation of subsection (2), the court may, as a condition of probation, order the defendant not to own or possess an animal for a period of time not to exceed the period of probation. If a person is convicted of a second or subsequent violation of subsection (2), the court may order the defendant not to own or possess an animal for any period of time, including permanent relinquishment of animal ownership.

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

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

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

(a) Fishing.

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

(c) Horse racing.

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

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

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

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

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

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

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

750.50a. Service animals; prohibited conduct; violation; penalties; rebuttable presumption

Sec. 50a. (1) An individual shall not do either of the following:

(a) Willfully and maliciously assault, beat, harass, injure, or attempt to assault, beat, harass, or injure a service animal that he or she knows or has reason to believe is a service animal used by a person with a disability.

(b) Willfully and maliciously impede or interfere with, or attempt to impede or interfere with, duties performed by a service animal that he or she knows or has reason to believe is a service animal used by a person with a disability.

(2) An individual who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.

(3) In a prosecution for a violation of subsection (1), evidence that the defendant initiated or continued conduct directed toward a service animal described in subsection (1) after being requested to avoid or discontinue that conduct or similar conduct by a person with a disability being served or assisted by the service animal shall give rise to a rebuttable presumption that the conduct was initiated or continued maliciously.

(4) A conviction and imposition of a sentence under this section does not prevent a conviction and imposition of a sentence under any other applicable provision of law.

(5) As used in this section:

(a) "Harass" means to engage in any conduct directed toward a service animal described in subsection (1) that is likely to impede or interfere with the service animal's performance of its duties or that places the person with a disability being served or assisted by the service animal in danger of injury.

(b) "Injure" means to cause any physical injury to a service animal described in subsection (1).

(c) "Maliciously" means any of the following:

(i) With intent to assault, beat, harass, or injure a service animal described in subsection (1).

(ii) With intent to impede or interfere with duties performed by a service animal described in subsection (1).

(iii) With intent to disturb, endanger, or cause emotional distress to a person with a disability being served or assisted by a service animal described in subsection (1).

(iv) With knowledge that the individual's conduct will or is likely to harass or injure a service animal described in subsection (1).

(v) With knowledge that the individual's conduct will or is likely to impede or interfere with duties performed by a service animal described in subsection (1).

(vi) With knowledge that the individual's conduct will or is likely to disturb, endanger, or cause emotional distress to a person with a disability being served or assisted by a service animal described in subsection (1).

(d) "Person with a disability" means a person who has a disability as defined in section 12102 of the Americans with disabilities act of 1990, 42 USC 12102, and 28 CFR 36.104.

(e) As used in subdivision (d), "person with a disability" includes a veteran who has been diagnosed with 1 or more of the following:

(i) Post-traumatic stress disorder.

- (ii) Traumatic brain injury.
- (iii) Other service-related disabilities.

(f) "Service animal" means all of the following:

- (i) That term as defined in 28 CFR 36.104.
- (ii) A miniature horse that has been individually trained to do work or perform tasks as described in 28 CFR 36.104 for the benefit of a person with a disability.

(g) "Veteran" means any of the following:

- (i) A person who performed military service in the armed forces for a period of more than 90 days and separated from the armed forces in a manner other than a dishonorable discharge.
- (ii) A person discharged or released from military service because of a service-related disability.
- (iii) A member of a reserve branch of the armed forces at the time he or she was ordered to military service during a period of war, or in a campaign or expedition for which a campaign badge is authorized, and was released from military service in a manner other than a dishonorable discharge.

750.50b. Killing, torturing, mutilating, maiming, or disfiguring animals; prohibited conduct; penalties; applicability

Sec. 50b. (1) As used in this section:

- (a) "Animal" means a vertebrate other than a human being.
- (b) "Companion animal" means an animal that is commonly considered to be, or is considered by its owner to be, a pet, or that is a service animal as that term is defined in section 50a.1 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.
- (b) A fine of not more than \$5,000.00.
- (c) Community service for not more than 500 hours.

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

- (a) Imprisonment for not more than 7 years.
- (b) A fine of not more than \$5,000.00.
- (c) Community service for not more than 500 hours.

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

- (a) Imprisonment for not more than 4 years.
- (b) A fine of not more than \$5,000.00.
- (c) Community service for not more than 500 hours.

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

(10) As a part of the sentence for a violation of subsection (2), the court may order the defendant to pay the costs of the prosecution and the costs of the care, housing, and veterinary medical care for the animal victim, as applicable. If the court does not order a defendant to pay all of the applicable costs listed in this subsection, or orders only partial payment of these costs, the court shall state on the record the reasons for that action.

(11) If a term of probation is ordered for a violation of subsection (2), the court may include as a condition of that probation that the defendant be evaluated to determine the need for psychiatric or psychological counseling and, if determined appropriate by the court, to receive psychiatric or psychological counseling at his or her own expense.

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

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

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

(15) This section does not prohibit the lawful killing of an animal pursuant to any of the following:

(a) Fishing.

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

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

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

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

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

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

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

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

750.50c. Intentionally killing, causing physical harm to, harassing, or interfering with police dog, police horse, or search and rescue dog

Sec. 50c. (1) As used in this section:

(a) "Dog handler" means a peace officer who has successfully completed training in the handling of a police dog pursuant to a policy of the law enforcement agency that employs that peace officer.

(b) "Physical harm" means any injury to a dog's or horse's physical condition.

(c) "Police dog" means a dog used by a law enforcement agency of this state or of a local unit of government of this state that is trained for law enforcement work and subject to the control of a dog handler.

(d) "Police horse" means a horse used by a law enforcement agency of this state or of a local unit of government of this state for law enforcement work.

(e) "Search and rescue dog" means a dog that is trained for, being trained for, or engaged in a search and rescue operation.

(f) "Search and rescue operation" means an effort conducted at the direction of an agency of this state or of a political subdivision of this state to locate or rescue a lost, injured, or deceased individual.

(g) "Serious physical harm" means any injury to a dog's or horse's physical condition or welfare that is not necessarily permanent but that constitutes substantial body disfigurement, or that seriously impairs the function of a body organ or limb.

(2) A person shall not intentionally kill or cause serious physical harm to a police dog or police horse or a search and rescue dog.

(3) A person shall not intentionally cause physical harm to a police dog or police horse or a search and rescue dog.

(4) A person shall not intentionally harass or interfere with a police dog or police horse or search and rescue dog lawfully performing its duties.

(5) A person who violates subsection (2) is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00, or both.

(6) Except as provided in subsection (7), a person who violates subsection (3) or (4) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$5,000.00, or both.

(7) A person who violates subsection (3) or (4) while committing a crime is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$15,000.00, or both.

(8) This section does not prohibit an individual from being charged with, convicted of, or punished for any other violation of law committed by that individual while violating this section.

750.51. Confining animals on railroad cars

Sec. 51. CONFINING ANIMALS ON RAILROAD CARS--No railroad company, in the carrying or transportation of animals, shall permit the same to be confined in cars for a longer period than 36 consecutive hours without unloading the same for rest, water, and feeding, for a period of at least 5 consecutive hours, unless prevented from so unloading by storm, or other accidental causes. In estimating such confinement, the time during which the animals have been confined without rest, on connecting roads from which they are received shall be included, it being the intention to prevent their continuous

confinement beyond the period of 36 hours, except on contingencies hereinbefore stated. Animals so unloaded shall be properly fed, watered, and sheltered during such rest, by the owner or person having the custody thereof, or, in case of his default in so doing, then the railroad company transporting the same, at the expense of said owner or person in custody thereof; and said company shall in such case have a lien upon such animals for food, care and custody furnished, and shall not be liable for any detention of such animals.

Any company, owner or custodian of such animals, who shall fail to comply with the provisions of this section, shall, for each and every such offense, be liable for, and forfeit, and pay a penalty of not less than 100 dollars nor more than 500 dollars: Provided, however, That when animals shall be carried in cars in which they can and do have proper food, water, space and opportunity for rest, the foregoing provisions in regard to their being unloaded shall not apply.

750.53. Arrest of persons and seizure of animals

Sec. 53. ARREST OF PERSONS AND SEIZURE OF ANIMALS--Persons found violating any of the provisions of the preceding sections of this chapter may be arrested and held without warrant, in like manner as in the case of persons found breaking the peace, and it shall be the duty of the person making the arrest to seize all animals and fowls found in the keeping or custody of the person arrested, and which are then being used, or held for use in violation of any of the provisions of the preceding sections of this chapter, and the person making such seizure shall cause such animals or fowls to be at once delivered to a poundmaster of the city, village or township in which the same may be, and it shall be the duty of such poundmaster to receive such animals or fowls, and to hold the same and proceed in regard to them in all respects as provided by law in other cases of animals impounded.

750.54. Search warrants

Sec. 54. SEARCH WARRANT--When complaint is made, on oath or affirmation, to any magistrate authorized to issue warrants in criminal cases, that the complainant believes that any of the provisions of the preceding sections of this chapter are being, or are about to be violated in any particular building or place, such magistrate, if satisfied that there is reasonable cause for such belief, shall issue and deliver a search warrant to any sheriff, deputy sheriff, constable or public officer, authorizing him to search such building or place and to arrest any person or persons engaged in violating any of the provisions of the preceding sections of this chapter, as well as any person or persons there present, and aiding or abetting therein, and to bring such person or persons before some magistrate of competent jurisdiction, to be dealt with according to law. Such officer shall, at the same time, seize and bring to said magistrate every article or instrument found in said building or place especially designed or adapted to torture or inflict wounds upon any animal or to aid in the fighting or baiting of any animal; and unless within 10 days after the trial of the person or persons so arrested, the owner of said article or instrument shall show, to the satisfaction of said magistrate, that the same is not designed or adapted to the wounding or torture of animals, or if so designed or adapted, is not intended to be used or employed for such purpose, the magistrate shall destroy such article or instrument.

750.55. Incorporated society, representative deputy sheriff

Sec. 55. Any society incorporated in this state for the purpose of preventing cruelty to animals may designate 1 or more persons in each county of the state to discover and prosecute all cases of the violation of the provisions of this chapter; and the sheriff of such county may appoint each person so designated a deputy sheriff, provided such person shall be of good moral character, and each person so appointed by the sheriff shall possess all the powers of a sheriff of the county in enforcement of the provisions of this chapter. The sheriff shall not be responsible for any of the acts of such person or persons, but the society, if incorporated, and if not, then the officers and members of the society, on the request of which such person was appointed, shall be liable in the degree of a principal for the acts of an agent.

750.56. Definitions

Sec. 56. DEFINITIONS--In the preceding sections of this chapter the word "animal" or "animals" shall be held to include all brute creatures, and the words "owner", "person", and "whoever" shall be held to include corporations as well as individuals, and the knowledge and acts of agents of any persons employed by corporations in regard to animals transported, owned, or employed by, or in the custody of such corporations, shall be held to be the acts and knowledge of such corporations.

750.57. Disposal of carcasses of dead animals; continuing offense

Sec. 57. A person who places a dead animal or part of the carcass of a dead animal into a lake, river, creek, pond, road, street, alley, lane, lot, field, meadow, or common, or in any place within 1 mile of the residence of a person, except the same and every part of the carcass is buried at least 4 feet underground, and the owner or owners thereof who knowingly permits the carcass or part of a carcass to remain in any of those places, to the injury of the health, or to the annoyance of another is guilty of a misdemeanor. Every 24 hours that the owner permits the carcass or part of a carcass to remain after a conviction under this section is an additional offense under this section, a misdemeanor punishable by a fine of not less than \$50.00 or more than \$500.00 or by imprisonment for not more than 90 days.

750.58. Horses, unhitching and driving away

Sec. 58. UNHITCHING AND DRIVING AWAY HORSES WITHOUT AUTHORITY--Any person who shall willfully and maliciously or wantonly, and without authority unhitch any horse or team belonging to another, and lawfully hitched or standing in any street, alley or other place, or who in like manner shall ride or drive such horse or team away shall be guilty of a misdemeanor.

750.60. Horses, docking tails; prima facie evidence of offense

Sec. 60. (1) A person who cuts the bone of the tail of a horse for the purpose of docking the tail, or who causes or knowingly permits the cutting to be done upon the premises of which he or she is the owner, lessee, proprietor, or user, or who assists in or is present at such cutting, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00. However, this subsection does not apply to the cutting of the bone of the tail of a horse for the purpose of docking the tail when a

certificate of a regularly qualified veterinary surgeon is first obtained certifying that the cutting is necessary for the health or safety of the horse.

(2) If a horse is found with its tail cut and with the wound resulting from the cutting unhealed, upon the premises of any person, those facts shall be prima facie evidence that the person occupying or using the premises on which that horse is found has committed the offense described in subsection (1).

(3) If a horse is found with its tail cut and with the wound resulting therefrom unhealed, in the charge or custody of any person, that fact shall be prima facie evidence that the person having the charge or custody of that horse has committed the offense charged in subsection (1).

750.61. Docked horses; unregistered, bringing into state

Sec. 61. IMPORTATION, ETC., OF UNREGISTERED DOCKED HORSES--It shall be unlawful for any person or persons to import or bring into this state any docked horse or horses, or to drive, work, use, race or deal in any docked horse or horses within this state, unless the same shall be registered as provided for in the succeeding section of this chapter.

750.62. Registration of docked horses

Sec. 62. REGISTRATION OF DOCKED HORSES--Within 90 days after this act shall take effect, every owner or user of any docked horse within this state shall register such docked horse or horses by filing in the office of the county clerk of the county in which such docked horse or horses may be kept, a certificate which shall contain the name or names of the owner or owners, together with his or their post office address, together with a full description of the color, age, size and the use made of such docked horse or horses, which certificate shall be signed by the owner or the owners, or his or their agent. The county clerk shall number such certificates consecutively and shall record the same in a book kept for that purpose, and shall receive as a fee for the recording of such certificate the sum of 50 cents: Provided, This section shall not apply to or make necessary the re-registration of docked horses which have been registered pursuant to Act No. 45 of the Public Acts of 1901, as amended, being sections 17080 to 17086 inclusive of the Compiled Laws of 1929.

750.63. Unlawful docking; evidence

Sec. 63. PRIMA FACIE EVIDENCE OF UNLAWFUL DOCKING--The driving, working, keeping, racing or using of any unregistered docked horse or horses subsequent to 90 days after this act shall take effect shall be deemed prima facie evidence of the fact that the party driving, working, keeping, racing or using such unregistered docked horse or horses, unlawfully docked the tail of such horse or horses.

750.64. Failure to register docked horse

Sec. 64. A person who violates a provision of this chapter by failing to register a docked horse as herein provided is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than \$750.00.

750.65. Bull running at large on highway or unenclosed land

Sec. 65. Any person being the owner of a bull 6 months or more of age or having the same in charge, who shall permit said bull to run at large upon any highway or unenclosed lands shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for not more than 30 days or by a fine of not more than \$100.00, or both such fine and imprisonment in the discretion of the court.

750.66. Bites by dog or wolf-dog crosses; providing information to victims; penalties and fines; police dog exception

Sec. 66. (1) If a person 18 years of age or older is responsible for controlling the actions of a dog or wolf-dog cross and the person knows or has reason to know that the dog or wolf-dog cross has bitten another person, the person shall immediately provide the person who was bitten with all of the following information:

(a) His or her name and address and, if that person does not own the dog or wolf-dog cross, the name and address of the dog's or wolf-dog cross's owner.

(b) Information, if known by that person, as to whether the dog or wolf-dog cross is current on all legally required vaccinations.

(2) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(3) This section does not apply if the person is bitten by a police dog. As used in this subsection, "police dog" means that term as defined in section 50c.1

(4) As used in this section, "dog" and "wolf-dog cross" mean those terms as defined in section 2 of the wolf-dog cross act, 2000 PA 246, MCL 287.1002.

750.66a. Bites by dog or wolf-dog crosses; persons responsible for actions of animal remaining on scene of bite; penalties and fines; police dog exception

Sec. 66a. (1) If a person 18 years of age or older is responsible for controlling the actions of a dog or wolf-dog cross and the person knows or has reason to know that the dog or wolf-dog cross has bitten another person, the person shall remain on the scene until the requirements of section 661 are fulfilled.

(2) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(3) This section does not apply if the person is bitten by a police dog. As used in this subsection, "police dog" means that term as defined in section 50c.2

(4) As used in this section, "dog" and "wolf-dog cross" mean those terms as defined in section 2 of the wolf-dog cross act, 2000 PA 246, MCL 287.1002.

750.67. Domestic animals or fowl on cemetery grounds, landing fields, airports

Sec. 67. DOMESTIC ANIMALS OR FOWL ON CEMETERY GROUNDS, LANDING FIELDS AND AIRPORTS--Any owner or keeper of any domestic animal or fowl, who shall allow any domestic animal or fowl to run at large and enter or be upon any premises constituting a cemetery, landing field or airport in this state, shall be guilty of a misdemeanor.

750.68. Brand of animals; changing, etc.

Sec. 68. CHANGING, ETC., BRAND OF ANIMALS--Any person who shall mark or brand, or alter or deface the mark or brand of any domestic animal, the property of another, with intent thereby to steal the same, or to prevent identification thereof by the true owner, shall be guilty of felony, and any person who shall mark or brand, or alter or deface the mark or brand of any domestic animal whether the property of himself or another with intent to sell, ship, trade or give away contrary to law any animal which has given the positive reaction to the bovine tuberculosis test or the blood test for Bang's disease or with intent to avoid any lawful quarantine of such animal, shall be guilty of a misdemeanor.

750.69. Rescuing animals

Sec. 69. RESCUING ANIMALS--Any person who shall rescue any cattle, horse, mule, sheep, swine or goat when impounded, or while being driven or taken to the pound or other place of custody by any officer or person in charge of such animals, or while such animals are shut up by and in the custody of any person for trespassing upon premises, or for running at large contrary to law, shall be guilty of a misdemeanor.

750.70. Unlawfully impounding animals

Sec. 70. UNLAWFULLY IMPOUNDING ANIMALS--Any person who shall take any animal mentioned in the next preceding section not running at large contrary to law from the stable, pasture, or any enclosure or other place where such animals are lawfully and rightfully kept, or may be, and any person who shall drive, or let them out, or untie, or unloose the same, or shall knowingly seize or take the same from the custody of any person driving or taking the same on the public highway or streets to or from a pasture or to or from any other place where the same may be lawfully taken or driven, for the purpose of impounding such animals contrary to law, shall be guilty of a misdemeanor.

750.70a. Removal of collar or microchip from dog; prohibition; penalties

Sec. 70a. (1) An individual other than the owner or the authorized agent of the owner of a dog, or a law enforcement officer, an animal control officer, or an animal protection shelter employee acting in his or her official capacity, shall not willfully or maliciously remove a collar or a microchip from that dog with the intent to remove traceable evidence of the dog's ownership.

(2) An individual who violates subsection (1) is responsible for a state civil infraction and shall be ordered to pay a civil fine of not less than \$1,000.00 and not more than \$2,500.00.

(3) Nothing in this section shall be construed to affect the civil or criminal liability of an individual under any other applicable law of this state.

(4) As used in this section, "authorized agent" means an individual who has the permission of the owner of a dog to remove that dog's collar.