

## ANIMAL LAW SECTION

Respectfully submits the following position on:

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HB 4765

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The Animal Law Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Animal Law Section only and is not the position of the State Bar of Michigan.

To date, the State Bar does not have a position on this matter.

The total membership of the Animal Law Section is 244.

The position was adopted after an electronic discussion and vote. The number of members in the decision-making body is 16. The number who voted in favor to this position was 15. The number who voted opposed to this position was 0.

**Report on Public Policy Position****Name of Section:**

Animal Law Section

**Contact person:**

Ann M. Griffin

**E-Mail:**[annmgriffin@hotmail.com](mailto:annmgriffin@hotmail.com)**Bill Number:**

[HB 4765](#) (McCready) Animals; animal shelters; adoption of certain seized animals used in fighting operations; allow, and make other revisions. Amends sec. 49 of [1931 PA 328](#) (MCL [750.49](#)).

**Date position was adopted:**

January 11, 2016

**Process used to take the ideological position:**

Position adopted after an electronic discussion and vote

**Number of members in the decision-making body:**

16

**Number who voted in favor and opposed to the position:**

15 Voted for position

0 Voted against position

0 Abstained from vote

1 Did not vote (absent)

**Position:**

Support

**Explanation of the position, including any recommended amendments:**

This bill, which would amend the Michigan statute regarding animal fighting (MCLA 750.49), would allow adoption of former fighting dogs and their progeny if certain conditions are met. Additionally, this bill includes a forfeiture/bond process regarding animals seized in connection with fighting that would prevent them from being held for the duration of the criminal proceeding (which could take months or even years) unless the animal's owner posts a cost-of-care bond. In these cases, owners are generally more focused on evading law enforcement and do not step up to claim their animals, leaving them to be held in a shelter indefinitely, which is not in the animals' best interests. This legislation would appropriately place responsibility for cost of the animals' care on their owners, not on animal control and animal protection shelters, which should not have to assume that financial burden. By allowing humane disposition (adoption, transfer, or humane euthanasia) of those animals whose owners do not post the requisite bond without waiting for the criminal proceeding to run its course, this bill spares the animals a

prolonged shelter stay and recognizes their unique status as living property/evidence.

**The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.**

<http://legislature.mi.gov/doc.aspx?2015-HB-4765>