

**Public Policy Position
HB 5808 & HB 5809**

The Animal Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 226 members. The Animal Law Section is not the State Bar of Michigan and the position expressed herein is that of the Animal Law Section only and not the State Bar of Michigan. To date, the State Bar does not have a position on this item.

The Animal Law Section has a public policy decision-making body with 15 members. On June 16, 2020, the Section adopted its position after an electronic discussion and vote. 11 members voted in favor of the Section's position, 0 members voted against this position, 0 members abstained, 4 members did not vote.

Support**Explanation:**

During the 2017-18 legislative session, the legislature passed SB 416 with substantial bipartisan support. SB 416 implemented a bond-or-forfeit process in Michigan's statute prohibiting animal fighting (MCL § 750.49). The process places responsibility on owners to either forfeit the animals or pay the costs of their care and also protects the owners' due process rights. The Section supported the bill. (https://www.michbar.org/publicpolicy/ppolicyDB_Detail/PublicPolicyID=1427)

There is a bond-or-forfeit provision in Michigan's anti-neglect statute (MCL § 750.50), which also applies to cases brought under Michigan's anti-cruelty statute (MCL § 750.50b). Unfortunately, the current bond-or-forfeit process is unworkable, which results in costs of care being borne by holding agencies, creates a disincentive for law enforcement to pursue animal abuse and neglect cases, and leaves the animals to be held as living evidence for the duration of the legal proceedings.

HB 5808 and HB 5809 would amend MCL §§ 750.50 and 750.50b to include the bond-or-forfeit procedure added last session to MCL § 750.49. The Section supports these bills because an effective bond-or-forfeit statute will encourage the investigation of cases of animal abuse and neglect. Because of the well-documented connection between violence against animals and violence against humans, such investigations may also lead to cases involving human victims of violence. This bond-or-forfeit process places the responsibility of the animals' care on the owners while also protecting the owners' due process rights. A working bond-or-forfeit statute also respects animals' special status as living evidence and saves them a long shelter stay, which is inhumane.

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