

Public Policy Position SB 50 and SB 51

The Animal Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 259 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 August 12, 2021, the Section adopted its position after an electronic discussion and vote. 14 members voted in favor of the Section's position, 0 members voted against this position, 0 members abstained, 1 member did not vote.

Support

Explanation:

The Animal Law Section supports these bills, which were initially introduced in the wake of the brutal killing of a dog adopted from Michigan Humane under false pretenses. The person who tortured and killed the dog had originally applied to adopt him but was denied because having the dog in his apartment would violate his lease. He then enlisted the help of a friend who adopted the dog on his behalf. <https://www.wxyz.com/man-accused-of-killing-adopted-dog-told-roommatedog-went-to-a-good-home>

SB 50 would criminalize the knowing transfer of an animal to a person who intends to use it for fighting or making an agreement with someone to provide them with an animal for the purposes of animal abuse. We note that the burden of proof will be challenging for prosecutors, particularly in the context of animal abuse, and the burden of proof may be relatively easier to meet in a case involving animal fighting.

SB 51 makes corresponding changes to the sentencing guidelines.

The Animal Law Section supports the bills and believes that they will be an excellent addition to our existing anticruelty and animal fighting statutes by criminalizing behavior that amounts to acting as an accessory to cruelty offenses.

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