

ANIMAL LAW SECTION
Public Policy Position
SB 416

The Animal Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 251 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 September 6, 2017, the Section adopted its position after an electronic discussion and vote. 13 members voted in favor of the Section's position on SB 416, 0 members voted against this position, 0 members abstained, 2 members did not vote.

The Animal Law Section Supports SB 416

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Explanation:

Senate bill 416 would amend MCL § 750.49 to allow the transfer or adoption of alleged former fighting animals and their progeny if certain conditions are met. The current statute requires the euthanasia of alleged fighting animals and their progeny without an opportunity to evaluate them on a case-by-case basis. The Animal Law Section is opposed to any statute that dictates such an outcome based on an animal's breed or suspected history without evaluating their individual temperament, health, and behavior. The proposed changes to MCL § 750.49 (g) (i) and (ii) would protect the public by requiring that the animals be deemed fit for adoption and requiring that certain information be provided to adopters while giving the individual animals the benefit of an evaluation before a disposition determination is made.

Senate bill 416 also includes an improved forfeiture/cost-of-care bond process in alleged animal fighting cases. Prosecutors report that the current forfeiture/bond process is unworkable. In part, this is because in animal fighting cases, owners are generally more focused on avoiding conviction and do not step up to claim their animals. Because cost-of-care bonds are, for all practical purposes, unavailable under the current statute, the organizations holding the animals are responsible for paying for their housing, food, veterinary care, and any other costs while the criminal case is pending, which could take months or even years. This creates a significant disincentive for law enforcement to pursue animal fighting investigations, because the financial burden of seizing and caring for large numbers of animals is prohibitive. A functioning forfeiture/cost-of-care bond

process would encourage vigorous investigation and prosecution of animal fighting cases, which are often related to other serious crimes, including gang activity, gambling, drugs, assault, and even murder.

An improved forfeiture/bond process would also be more humane for the animals and would prevent animals from being held for the duration of the criminal proceeding unless the animal's owner posts a cost-of-care bond. This legislation would appropriately place responsibility for the cost of the animals' care on their owners, not on shelters, which should not have to assume those costs. 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.

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