

ANIMAL LAW SECTION

Respectfully submits the following position on:

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SB 0990

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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 185.

The position was adopted after discussion and vote at a scheduled meeting and an electronic discussion and vote for those members not in attendance. The number of members in the decision-making body is 15. The number who voted in favor to this position was 13. 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

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Bill Number:

[SB 0990](#) (Pappageorge) 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:

October 15, 2014

Process used to take the ideological position:

Position adopted after discussion and vote both at a scheduled meeting and via email with those not present at the meeting.

Number of members in the decision-making body:

15

Number who voted in favor and opposed to the position:

13 Voted for position

0 Voted against position

0 Abstained from vote

2 Did not vote (absent)

Position:

Support

Explanation of the position, including any recommended amendments:

SB 990 would amend the Michigan Penal Code (MCL 750.49) regarding the disposition of seized animals trained or used for fighting, including allowing an animal control shelter, animal protection shelter, or law enforcement agency to adopt out such an animal (and its first- and second-generation offspring), so long as the animal did not pose a threat to public safety; requiring a person convicted of engaging in animal fighting to pay the costs associated with boarding and providing veterinary care to the animal, including requiring a security deposit or bond for the costs of care (or the animal is forfeited); and imposing notice requirements regarding the seizure of such an animal. While the notice requirements protect a defendant's/owner's due process rights, the bill provides a process by which the animal shelter or agency holding the animal to recover the reasonable costs associated with the holding and disposition of the animal. Such cost of care provisions already exist in a number of other states, and the

requirement appropriately places the financial burden for caring for the animal on the defendant/owner. The bill may also reduce the amount of time these animals would need to be held, which is to the benefit of both the animal and his or her potential adopter (in a case where the animal may be safely rehomed).

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?2014-SB-0990>