

Report on Public Policy Position

Name of section:

Animal Law Section

Contact person:

Rose Stern

Email:

arstern@loomislaw.com

Bill Numbers:

HB 4741 (Bieda) Family law; personal protection orders; prohibition against harming animals owned by petitioner; include in personal protection order. Amends sec. 2950 of [1961 PA 236](#) (MCL [600.2950](#)).

HB 4742 (Bieda) Crimes; domestic violence; penalties for killing or torturing animal in perpetration of domestic violence; increase. Amends sec. 50b of [1931 PA 328](#) (MCL [750.50b](#)).

Date position was adopted:

October 21, 2008

Process used to take the ideological position:

Position adopted after an electronic discussion and vote

Number of members in the decision-making body:

15

Number who voted in favor and opposed to the position:

15 Voted for position

0 Voted against position

Position:

Support and offer amendments

Explanation of the position, including any recommended amendments:

See the following letter.

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?2007-HB-4741>

<http://legislature.mi.gov/doc.aspx?2007-HB-4742>

ANIMAL LAW SECTION

CHAIR

ANNA ROSE STERN
124 W. Allegan St. Ste 790
Lansing, MI 48933

CHAIR-ELECT

ANNA MARIE SCOTT
2487 S. Michigan Rd, Ste D
Eaton Rapids, MI 48827

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IMMEDIATE PAST CHAIR

KIERAN PATRICK MARION

111 N. WABASH #1010

CHICAGO, IL 60602

COMMISSIONER LIAISON

JULIE L. FERSHTMAN

FARMINGTON HILLS

October 24, 2008

Representative Steve Bieda
S0789 House Office Building
P.O. Box 30014
Lansing, MI 48909-7514

Subject: Letter in Support of House Bills 4741 and 4742

Dear Representative Bieda,

The Animal Law Section of the State Bar of Michigan (“ALS”) is a Section made up of attorneys who choose to voluntarily join. ALS was formed to monitor legal issues associated with animals and their owners or custodians. Our purpose includes advocacy of responsible, humane, and ethical treatment and care of animals. We provide education, information and analysis about issues of concern through meetings, seminars, the web, public service programs, and publication of a newsletter.

As you are aware, HB 4741 and 4742 will amend MCL 600.2950 and 750.50b, respectively, regarding the inhumane treatment of a pet in the course of or as a means of perpetrating an act of domestic violence. HB 4741 regards the issuance of a personal protection order. It affords protection to victims from acts of animal cruelty perpetrated against an animal in which the petitioner victim has an ownership interest. HB 4742 increases the statutory penalty for those persons who commit acts of animal torture or killing as an act of domestic violence.

We write to you today to express our sincere appreciation and general support for these important bills. These bills are important because many perpetrators of domestic violence use the threatened or actual secreting, torture, and killing of family pets as a means of controlling their spouse or child victim.

Our section currently includes over 161 members. Our Section council that includes 15 members unanimously voted to support this bill as it progresses through the legislative process provided that one amendment is included. We would request that the word “solely” in section (1)(J)(iii) of HB 4741, be amended to read “solely or jointly.” In many cases, a victim of domestic violence must leave the marital home that is jointly owned by the parties. This suggested modification would allow the victim to remove the family pet from the jointly owned marital residence.

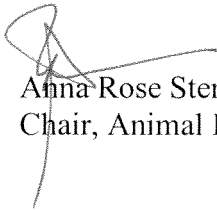
Representative Steve Bieda

October 24, 2008

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In closing, ALS believes that this proposed legislation, if enacted, would greatly benefit the citizens of Michigan and their pets. Please feel free to call on our organization for support for this bill or future legislation designed to protect the welfare of animals. Assistance that we offer includes legal research and drafting. We are also available to testify in support of applicable legislation as it progresses through the legislative process.

Sincerely,

A handwritten signature in black ink, appearing to read "Anna Rose Stern", with a long horizontal flourish extending to the right.

Anna Rose Stern

Chair, Animal Law Section