

ANIMAL LAW SECTION

Respectfully submits the following position on:

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SB 0028 & SB 0029

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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 287.

The position was adopted after an electronic discussion and vote. The number of members in the decision-making body is 15. The number who voted in favor to this position was 14. The number who voted opposed to this position was 0.

Report on Public Policy Position

Name of Section:

Animal Law Section

Contact person:

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Bill Numbers:

[SB 0028](#) (Bieda) Crimes; animals; penalties for crimes against animals; enhance, and make other revisions. Amends secs. 50 & 50b of [1931 PA 328](#) (MCL [750.50](#) & [750.50b](#)).

[SB 0029](#) (Jones) Criminal procedure; sentencing guidelines; sentencing guidelines for crimes of animal cruelty; enact and amend. Amends secs. 16b, 34, 40, 46 & 49, ch. XVII of [1927 PA 175](#) (MCL [777.16b](#) et seq.).

Date position was adopted:

January 23, 2015

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:

14 Voted for position

0 Voted against position

0 Abstained from vote

1 Did not vote (absent)

Position:

Support

Explanation of the position, including any recommended amendments:

SB 0028 extends neglect or cruelty prohibitions to a breeder or pet shop operator; enhances graduated penalties for animal neglect or cruelty based on the number of animals involved and/or the number of prior convictions; establishes a felony penalty for breeders and/or pet shop operators with five or more prior convictions; allows a court to include at least five years of probation as part of a sentence for a conviction involving 25 or more animals or three or more prior convictions; establishes first, second, and third degrees of killing and torture of an animal; and increases maximum penalties for first and second degrees. SB 0029 revises the sentencing guidelines for animal neglect or cruelty and scoring requirements for several offense variables, which will provide for potentially increased sentences.

An Assistant Prosecuting Attorney who is also an Animal Law Section Council member has been involved in drafting this legislation. By virtue of his long experience prosecuting these cases, his invaluable insight and contributions to these bills serves as significant assurance that this legislation is workable and will be extremely beneficial to prosecutors prosecuting defendants in animal killing and torturing cases.

The Animal Law Section fully supports these bills. These bills will provide prosecutors and the courts with the tools necessary to effectively charge and punish those convicted of an offense against an animal. The introduction of first, second, and third degree killing and torture of an animal will enable prosecutors and the courts to better protect the public from those who commit forms of animal abuse most closely linked to violence against humans – animal abuse in a domestic violence situation where animals are used as pawns to control a person or instill fear, and malicious and sadistic serial animal abuse by defendants who may become future serial killers of humans or otherwise commit violent crimes against humans.

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?2015-SB-0028>

<http://legislature.mi.gov/doc.aspx?2015-SB-0029>