

# Legislative Analysis

---



## DOMESTIC VIOLENCE AND ANIMALS

Mitchell Bean, Director  
Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bills 4741 and 4742**  
**Sponsor: Rep. Steve Bieda**

**House Bill 4743**  
**Sponsor: Rep. Paul Condino**  
**Committee: Judiciary**

**Complete to 11-26-08**

### **A SUMMARY OF HOUSE BILLS 4741-4743 AS INTRODUCED 5-10-07**

The bills would amend various acts (1) to prohibit a person who was the subject of a personal protection order (PPO) from harming an animal belonging to the individual who obtained the PPO, and (2) to increase penalties for harming an animal in the course of committing domestic violence.

A PPO is an injunctive order issued by the circuit court or the family division of circuit court restraining or enjoining certain listed activity and individuals.

House Bill 4741 would amend the Revised Judicature Act (MCL 600.2950) to amend the section of law pertaining to personal protection orders (PPOs) entered against a spouse, a former spouse, an individual with whom the petitioner has had a child in common, an individual with whom the petitioner has or has had a dating relationship, or an individual residing or having resided in the same household.

Under the bill, the person who was the subject of the PPO would be restrained or enjoined from doing any of the following with respect to an animal in which the petitioner had an ownership interest:

- Injuring, killing, torturing, neglecting, or threatening to injure, kill, torture, or neglect the animal.
- Removing the animal from the petitioner's possession.
- Interfering with the petitioner's efforts to remove the animal from premises that are solely owned or leased by the individual to be restrained or enjoined.

A petitioner would be considered to have an ownership in an animal if he or she had a right of property in the animal; the petitioner kept or harbored the animal; the animal was in the petitioner's care; and/or the petitioner permitted the animal to remain on or about premises occupied by the petitioner. The term "neglect" would mean that term as defined in Section 50 of the Michigan Penal Code, where it means failing to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized.)

House Bill 4742 would amend the Michigan Penal Code (MCL 750.50b). Currently, a person who willfully, maliciously, and without just cause kills, tortures, or otherwise

injures an animal is guilty of a felony punishable by imprisonment for not more than four years, a fine of not more than \$5,000, and/or up to 500 hours of community service.

If a person harmed or killed an animal in the course of or as the means of perpetrating an act of domestic violence, the penalty would increase to imprisonment for not more than six years and/or a fine of not more than \$7,500.

A conviction or sentence imposed under the bill would not preclude a conviction or sentence for a violation of any other law of the state arising from the same transaction.

House Bill 4743 would amend the Code of Criminal Procedure (MCL 777.16b) to specify that killing or torturing animals in perpetration of domestic violence would be a Class D felony against a person with a maximum term of imprisonment of six years. The bill is tie-barred to House Bill 4742.

### **FISCAL IMPACT:**

House Bill 4741 will have little or no fiscal impact on state or local government.

The fiscal impact of House Bill 4742 and 4743 on state and local correctional systems would depend on how many offenders were convicted and sentenced under the enhanced penalties. There are no data on how many offenders might be affected, but in 2007, there were 30 offenders convicted of animal torture/killing or its attempt, of whom 12 received prison sentences, 5 received jail sentences, 12 received probation, and 1 was sentenced to some other sanction such as a sentence under the Holmes Youthful Trainee Act.

The new offense would be a Class D offense. Excepting sentences for habitual offenders, sentencing guidelines ranges for such offenses vary from 0-6 months (for which a local sanction is required) to 43-76 months (for which a prison sentence is mandated).

To the extent that more offenders were sentenced to prison or were sentenced to prison for longer periods, the bills could increase state costs of prison incarceration. The average appropriated cost of state prison is about \$32,000 per offender per year, a figure that includes various fixed administrative and operational costs. To the extent that more offenders were sentenced to jail or were sentenced to jail for longer periods, counties could incur increased costs; costs of jail incarceration vary by county. Any changes in the numbers of offenders sentenced to probation would affect the state; the cost of parole and probation supervision currently averages about \$2,100 per supervised offender per year, exclusive of any electronic tether costs.

Any increase in penal fine revenues could benefit local libraries, which are the constitutionally-designated recipients of those revenues.

Legislative Analyst: Susan Stutzky  
Fiscal Analyst: Ben Gielczyk  
Marilyn Peterson

---

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.