

HOUSE BILL No. 6007

April 23, 2008, Introduced by Rep. David Law and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 50b (MCL 750.50b), as amended by 1996 PA 80.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 50b. (1) As used in this section, "animal" means any
2 vertebrate other than a human being.

3 (2) A person who willfully, maliciously and without just cause
4 or excuse kills, tortures, mutilates, maims, or disfigures an
5 animal or who willfully and maliciously and without just cause or
6 excuse administers poison to an animal, or exposes an animal to any
7 poisonous substance, other than a substance that is used for
8 therapeutic veterinary medical purposes, with the intent that the
9 substance be taken or swallowed by the animal, is guilty of a
10 felony, punishable by imprisonment for not more than 4–8 years, or

1 by a fine of not more than ~~\$5,000.00~~ **\$10,000.00**, or community
2 service for not more than ~~500~~ **1,000** hours or any combination of
3 these penalties.

4 (3) As a part of the sentence for a violation of subsection
5 (2), the court may order the defendant to pay the costs of the
6 prosecution and the costs of the care, housing, and veterinary
7 medical care for the impacted animal victim, as applicable. If the
8 court does not order a defendant to pay all of the applicable costs
9 listed in this subsection, or orders only partial payment of these
10 costs, the court shall state on the record the reasons for that
11 action.

12 (4) ~~If a term of probation is ordered~~ **AS PART OF THE SENTENCE**
13 for a violation of subsection (2), the court ~~may~~ **SHALL** order ~~, as a~~
14 ~~condition of probation,~~ that the defendant be evaluated to
15 determine the need for psychiatric or psychological counseling,
16 and, if determined appropriate by the court, to receive psychiatric
17 or psychological counseling at his or her own expense.

18 (5) As a part of the sentence for a violation of subsection
19 (2), the court may order the defendant not to own or possess an
20 animal for any period of time determined by the court, which may
21 include permanent relinquishment.

22 (6) A person who owns or possesses an animal in violation of
23 an order issued under subsection (5) is subject to revocation of
24 probation if the order is issued as a condition of probation. A
25 person who owns or possesses an animal in violation of an order
26 issued under subsection (5) is also subject to the civil and
27 criminal contempt power of the court, and if found guilty of

1 criminal contempt, may be punished by imprisonment for not more
2 than 90 days, or by a fine of not more than \$500.00, or both.

3 (7) This section does not prohibit the lawful killing of
4 livestock or a customary animal husbandry or farming practice
5 involving livestock. As used in this subsection, "livestock" ~~has~~
6 ~~the meaning attributed to the term~~ **MEANS THAT TERM AS DEFINED** in
7 **SECTION 5 OF** the animal industry act, ~~of 1987, Act No. 466 of the~~
8 ~~Public Acts of 1988, being sections 287.701 to 287.747 of the~~
9 ~~Michigan Compiled Laws 1988 PA 466, MCL 287.705.~~

10 (8) This section does not prohibit the lawful killing of an
11 animal pursuant to any of the following:

12 (a) Fishing.

13 (b) Hunting, trapping, or wildlife control regulated pursuant
14 ~~to~~ **UNDER** part 401 ~~(wildlife conservation)~~ of the natural resources
15 and environmental protection act, ~~Act No. 451 of the Public Acts of~~
16 ~~1994, being sections 324.40101 to 324.40119 of the Michigan~~
17 ~~Compiled Laws 1994 PA 451, MCL 324.40101 TO 324.40120, and orders~~
18 issued under that act.

19 (c) Pest or rodent control regulated pursuant ~~to~~ **UNDER** part 83
20 ~~(pesticide control)~~ of Act No. 451 of the Public Acts of 1994,
21 ~~being sections 324.8301 to 324.8336 of the Michigan Compiled Laws~~
22 **OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA**
23 **451, MCL 324.8301 TO 324.8336.**

24 (d) Activities authorized pursuant ~~to~~ **UNDER** rules promulgated
25 under section 9 of the executive organization act of 1965, ~~Act No.~~
26 ~~380 of the Public Acts of 1965, being section 16.109 of the~~
27 ~~Michigan Compiled Laws 1965 PA 380, MCL 16.109.~~

1 (9) This section does not prohibit the lawful killing or use
2 of an animal for scientific research ~~pursuant to~~ **UNDER** any of the
3 following or a rule promulgated ~~pursuant to~~ **UNDER** any of the
4 following:

5 (a) ~~Act No. 224 of the Public Acts of 1969, being sections~~
6 ~~287.381 to 287.395 of the Michigan Compiled Laws 1969 PA 224, MCL~~
7 **287.381 TO 287.395.**

8 (b) Sections 2226, 2671, 2676, 7109, and 7333 of the public
9 health code, ~~Act No. 368 of the Public Acts of 1978, being sections~~
10 ~~333.2226, 333.2671, 333.2676, 333.7109, and 333.7333 of the~~
11 ~~Michigan Compiled Laws 1978 PA 368, MCL 333.2226, 333.2671,~~
12 **333.2676, 333.7109, AND 333.7333.**