



Senate Fiscal Agency  
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## BILL ANALYSIS



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House Bill 4353 (Substitute H-1 as passed by the House)  
Sponsor: Representative Harvey Santana  
House Committee: Judiciary  
Senate Committee: Judiciary

Date Completed: 2-16-16

**CONTENT**

**The bill would add Section 8c to Public Act 287 of 1969, which regulates pet shops, animal control shelters, and animal protection shelters, to do the following:**

- **Permit an animal control shelter or animal protection shelter to consider an individual's criminal history when deciding whether to allow the individual to adopt an animal.**
- **Prohibit a shelter from allowing a person to adopt an animal for at least five years after he or she had been convicted of an animal abuse offense.**
- **Allow a shelter to choose not to allow a person to adopt an animal if he or she had been charged with committing an animal abuse offense and entered a plea to another crime in exchange for dismissing the animal abuse charge.**

**The bill also would define "animal abuse" and revise the Act's definitions of "animal" and "adoption".**

Section 8c could be referred to as the "Animal Adoption Protection Act".

The bill would refer to an animal, rather than a dog, cat, or ferret, in the Act's definition of "adoption". The bill would define "animal" as a vertebrate other than a human being. Currently, "animal" means a mammal, except livestock and rodents.

The bill would define "animal abuse offense" as one or more of the following:

- Owning, possessing, using, buying, selling or offering to buy or sell, importing, or exporting an animal for fighting or baiting, or as a shooting target.
- Animal neglect, cruelty, or abandonment.
- Willfully and maliciously assaulting, beating, harassing, injuring, impeding, or interfering with a dog, knowing or having reason to believe the dog is a guide or leader dog or a service dog.
- Knowingly killing, torturing, mutilating, maiming, or disfiguring an animal; committing a reckless act knowing or having reason to know that it will cause an animal to be killed, tortured, mutilated, maimed, or disfigured; or intentionally poisoning an animal.
- Intentionally killing or causing physical harm to, or intentionally harassing or interfering with, a police dog or police horse, or a search and rescue dog.
- Committing sodomy with an animal.
- Committing a violation of a local ordinance substantially corresponding to a violation listed above.
- Attempting or conspiring to commit an offense described above.

The term would not include actions that constitute the lawful use of an animal to hunt or to participate in field trials or the lawful killing or other use of an animal in farming or a generally accepted animal husbandry or farming practice involving livestock.

(The Act defines "animal control shelter" as a facility operated by a municipality for the impoundment and care of animals that are found in the streets or at large, animals that are otherwise held due to the violation of a municipal ordinance or State law, or animals that are surrendered to the animal control shelter. "Animal protection shelter" means a facility operated by a person, humane society, society for the prevention of cruelty to animals, or any other nonprofit organization for the care of homeless animals.)

MCL 287.331 et al.

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill would have a minimal fiscal impact on local units of government that operate animal shelters. The bill would impose the added administrative responsibility to determine whether to allow an individual to adopt an animal on the basis of that individual's criminal history, if known, through the Internet Criminal History Access Tool maintained by the State Police (ICHAT). For 2013, statewide estimated animal abuse charges numbered 194 and convictions numbered 148.

The bill would have no fiscal impact on the State.

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.