ANIMAL LAW SECTION
Respectfully submits the following position on:

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HB 4353, HB 4355, SB 0219, SB 0220

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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 243.

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 15. 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 Number:
HB 4353 (Santana) Animals; animal shelters; animal shelters to deny adoptions under certain circumstances; require, and allow animal shelters to consider prior criminal history before adoption. Amends sec. 1 of 1969 PA 287 (MCL 287.331) & adds sec. 8c.

HB 4355 (Muxlow) Animals; animal shelters; ICHAT search by animal control shelters and animal protection shelters when allowing an animal adoption; require. Amends 1969 PA 287 (MCL 287.331 - 287.340) by adding sec. 8b.

SB 0219 (Jones) Crimes; animals; ownership of animals by a person convicted by certain crimes against animals; require court to prohibit for a period of at least 5 years. Amends secs. 49, 50, 50b & 158 of 1931 PA 328 (MCL 750.49 et seq.).

SB 0220 (Bieda) Law enforcement; reports; access by animal shelter to certain criminal history record information through ICHAT; allow without a fee for purposes of animal adoption. Amends sec. 3 of 1935 PA 120 (MCL 28.273).

Date position was adopted:
May 4, 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:
15 Voted for position
0 Voted against position
0 Abstained from vote
0 Did not vote (absent)

Position:
Support

Explanation of the position, including any recommended amendments:
The four bills generally do the following:
HB 4353: Animal rescue shelters and animal control shelters cannot adopt to those who have been convicted of an animal abuse offense (defined) within 5 years (and may refuse to adopt to those who were charged with such an offense but plead to another offense); this is the "Animal Adoption Protection Act."

HB 4355: establishes the requirement that shelters check the existing iCHAT system before adopting an animal to make sure the potential adopter is not listed as having committed an animal abuse offense.

SB 219: amends the animal cruelty statute to strengthen sentencing provision, regarding ban on ownership of animals.

SB 220: amends the statute on fingerprint records to waive the fee for animal shelters to check iCHAT in connection with adoptions; it also requires the State Police to compile a record of all animal abuse offenses and include them in its criminal history record database.

As was the case with the previous versions of this legislation introduced in the 2013-14 legislative session, the Council supports these bills as providing an appropriate and reasonable measure to protect animals as well as humans, given the established connection between animal abuse and other violent behavior. It strikes a balance by making the information available only to parties with a need to know. The iCHAT system is more cost effective, efficient, and comprehensive than the registry initially proposed. The Council continues to recommend expanding those entities required to search the database to breeders and others who sell, as well as adopt, animals.

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-HB-4353
http://legislature.mi.gov/doc.aspx?2015-HB-4355
http://legislature.mi.gov/doc.aspx?2015-SB-0219
http://legislature.mi.gov/doc.aspx?2015-SB-0220