Attorneys for Animals

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September 12, 2016

Representative Klint Kesto
Chair, Judiciary Committee
Michigan House of Representatives

Via Email: Melissa Weipert, Committee Clerk, mweipert@house.mi.gov

Re: Support of SB 566 with recommendations

Dear Rep. Kesto and Committee Members:

Please accept the following as part of the record for the Judiciary Committee hearing on SB 566, to be considered September 13, 2016.

Attorneys for Animals, Inc. (AFA) is a Michigan non-profit and 501(c)(3) organization of legal professionals and animal advocates. We work within the legal system so animals are recognized and protected as individuals by combining advocacy, litigation and legislative efforts with education.

SB 566 would create the "Emergency Minor and Animal Rescue Act" to provide immunity from civil liability for a person breaking into a motor vehicle to rescue a minor or animal from death or injury, and provided the person meets certain conditions. Sen. Marty Knollenberg introduced the bill, which unanimously passed the Senate (one Senator not voting) on February 23, 2016.

Because of the organization's mission, our comments will be confined to the protection of animals, although we recognize the danger to children left in unattended vehicles.

Attorneys for Animals supports this bill, with recommended additions, discussed below.

The statistics demonstrating the scope of the problem and the policy reasons for supporting this legislation have been stated in the Senate Fiscal Analysis dated March 7, 2016, which can be found at: http://www.legislature.mi.gov/documents/2015-2016/billanalysis/Senate/pdf/2015-SFA-0566-U.pdf

Twenty-three states have legislation dealing with animals left unattended in vehicles (including MA which passed such a law in August 2016). The Michigan State University College of Law-based Animal Legal and Historical Center has an article on the topic, including a table of state statutes, which can be found at: https://www.animallaw.info/topic/table-state-laws-protect-animals-left-parked-vehicles

SB 566 is similar to laws passed in 2015 and 2016 in FL, TN and WI, in that they grant immunity to members of the general public and not just law enforcement, humane society representatives, firefighters or other officials.

The bill addresses a serious animal welfare problem. It requires the person seeking immunity to comply with each of six listed conditions.

However, we believe further clarification of the scope of the immunity is needed. Section (3) of the bill (lines 23-25) does limit the grant of immunity, but only where the individual who rescues the animal or minor then attempts to render aid. We recommend that language be added:

- to limit immunity in situations where the animal escapes from the individual and is lost; and
- to specify that the animal's owner is immune from suit for any injuries sustained as a result of rescuing the animal, either as a result of breaking into the vehicle, or from injuries caused directly by the animal

Thank you for your consideration of this information.

Very truly yours,

Beatrice M. Friedlander, J.D.
President
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