

SENATE JUDICIARY COMMITTEE

MAY 5, 2015

Testimony of Beatrice M. Friedlander, JD, on behalf of the Animal Law Section, State Bar of Michigan; and Attorneys for Animals, in support of SB 219 (with recommended change for consistency) and SB 220.

Chair Jones, Majority Vice Chair Schuitmaker, Minority Vice Chair Bieda and Committee Members: thank you for considering these important bills and for the opportunity to speak to you this afternoon.

INTRODUCTION:

Animal Law Section: The first page of the position statement, a copy of which has been given to all Committee members, provides important information about the State Bar and the Section, and is incorporated by reference in my testimony. In summary, the Animal Law Section is not the State Bar of Michigan itself, but rather a Section whose membership is voluntary. 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 number of members in the Section's decision-making body is 15; all 15 voted in favor to this position.

Attorneys for Animals ("AFA") is a 501(c) (3) organization of attorneys, law students and animal advocates, founded and headquartered in Michigan.

While this committee hearing is considering SB 219 and SB 220 only, I will note that they are part of a 4-bill package, two of which were introduced in the House and were heard in the House Judiciary Committee today (HB 4353 and HB 4355). The Senate bills amend the Criminal Code dealing with animal cruelty, and with the fingerprint statute, whereas the House bills amend that portion of the Code which regulates Pet Shops, Dog Pounds, and Animal Shelters.

The Senate bills generally do the following:

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

SB 220 (Bieda): 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 and to provide the report to the legislature and to the MDARD.

In support of these bills, the **Animal Law Section** states: 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.

In support of these bills, with a recommended change, **Attorneys for Animals** states: These Senate bills work in tandem with the House bills and together work in two ways to prevent those convicted of animal abuse from continuing to own animals.

First, SB 219 strengthens the sentencing provision in the criminal code by requiring the court to order, as a condition of probation, that the convicted be prohibited from animal ownership for a period of at least five years after the date of sentencing or release from incarceration, whichever is later. Second, the House bills require shelters to search the State's iCHAT system to determine whether a potential animal adopter has a prior criminal history for an animal abuse offense and prohibits adoption to those convicted of an animal abuse offense within the last five years. To ease the administrative burden on shelters, SB 220 waives the fee for accessing the iCHAT system; and provides for separate reporting of animal abuse offenses.

This reporting requirement is timely and proactive. Last fall, the FBI announced that it would report "animal cruelty crimes" as a separate category of offenses under its Uniform Crime Report. State and local agencies in Michigan who contribute to the UCR will have this information readily available if SB 220 becomes law.

Suggested Change: SB 219, at page 3, lines 21 to 23, maintains the requirement that a sentencing judge, as a condition of probation, "order the person convicted not to own or possess an animal **of the same species involved in the violation** of this section [*emphasis added*] [.]"

This is inconsistent with HB 4355, which prohibits a shelter from adopting an animal to an animal abuser, regardless of whether the animal is the same species involved in the underlying violation. It is internally inconsistent with the proposed changes to SB 219, at pages 16 (*lines 7*

and 8), pages 18 and 19 (page 18, line 27 to 19, line 1) and 20 and 21 (page 20, line 27 to page 21, line 1)

To keep the bills consistent, we recommend that SB 219 remove the following language: "of the same species involved in the violation of this section" at page 3, lines 22 and 23 of the bill.

In sum, Attorneys for Animals supports these four bills and finds that they advance the important objective of safeguarding the welfare of animals in the State. It agrees that expanding coverage of the bills to include entities who sell, in addition to those who adopt, would more fully safeguard the welfare of animals.

Respectfully Submitted,

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President, Attorneys for Animals