ATTORNEYS FOR ANIMALS

Respectfully submits the following position on:

HB 4353, HB 4355, SB 219, SB 220

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

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 219 (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 220 (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).

POSITION:

Support, with suggested change to SB 219 for consistency

EXPLANATION OF THE POSITION, INCLUDING ANY RECOMMENDED AMENDMENTS:

HB 4353/HB 4355/SB 219/SB220 work in tandem to strengthen existing animal protection laws by providing animal shelters with necessary criminal background information of potential animal adopters so that shelters can insure that animals are placed in safe homes. These tie-barred bills 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, HB 4355 ("Logan's Law") requires 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. To ease the administrative burden on shelters, SB 220 waives the fee for accessing the ICHAT system. HB 4353 ("Animal Adoption Protection Act") prohibits a shelter from adopting an animal to those who have been convicted of an animal abuse offense within the last five years. HB 4353 gives discretion to the shelter to refuse to adopt to those who were charged with an animal abuse offense, but pled to a different crime in exchange for a dismissal.

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.

ADOPTED BY THE BOARD OF DIRECTORS, ATTORNEYS FOR ANIMALS

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