

SENATE BILL No. 352

June 5, 2019, Introduced by Senator LUCIDO and referred to the Committee on Judiciary and Public Safety.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 50d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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SEC. 50D. (1) AS USED IN THIS SECTION:

(A) "ANIMAL ABUSE OR NEGLECT" MEANS ANY OF THE FOLLOWING:

(i) A VIOLATION OF SECTION 49(2), 50, OR 50B.

(ii) A VIOLATION OF SECTION 158 COMMITTED WITH AN ANIMAL.

(B) "ANIMAL CONTROL OFFICER" MEANS AN ANIMAL CONTROL OFFICER PROVIDED FOR UNDER SECTIONS 29A TO 29C OF THE DOG LAW OF 1919, 1919 PA 339, MCL 287.289A TO 287.289C.

(C) "CHILD ABUSE" MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE CHILD PROTECTION LAW, 1975 PA 238, MCL 722.622.

1 (D) "CHILD NEGLECT" MEANS THAT TERM AS DEFINED IN SECTION 2 OF
2 THE CHILD PROTECTION LAW, 1975 PA 238, MCL 722.622.

3 (E) "CPS EMPLOYEE" MEANS AN EMPLOYEE IN THE CHILD PROTECTIVE
4 SERVICES PROGRAM OR SUCCESSOR PROGRAM OF THE DEPARTMENT OF HEALTH
5 AND HUMAN SERVICES.

6 (F) "LAW ENFORCEMENT OFFICER" MEANS THAT TERM AS DEFINED IN
7 SECTION 2 OF THE MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS
8 ACT, 1965 PA 203, MCL 28.602.

9 (2) IF, IN THE COURSE OF INVESTIGATING SUSPECTED CHILD ABUSE
10 OR CHILD NEGLECT, A CPS EMPLOYEE HAS REASONABLE CAUSE TO SUSPECT
11 ANIMAL ABUSE OR NEGLECT, THE CPS EMPLOYEE SHALL IMMEDIATELY MAKE OR
12 CAUSE TO BE MADE AN ORAL REPORT OF THE SUSPECTED ANIMAL ABUSE OR
13 NEGLECT TO AN ANIMAL CONTROL OFFICER OR LAW ENFORCEMENT OFFICER FOR
14 THE JURISDICTION WHERE THE ANIMAL WAS FOUND.

15 (3) WITHIN 72 HOURS AFTER THE ORAL REPORT IS MADE, THE CPS
16 EMPLOYEE SHALL FILE A WRITTEN REPORT WITH AN ANIMAL CONTROL OFFICER
17 OR LAW ENFORCEMENT OFFICER FOR THE JURISDICTION WHERE THE ANIMAL
18 WAS FOUND. THE WRITTEN REPORT MUST CONTAIN A DESCRIPTION OF THE
19 ANIMAL AND OF THE ANIMAL ABUSE OR NEGLECT. THE WRITTEN REPORT MUST
20 CONTAIN THE NAME AND ADDRESS OF THE ANIMAL'S OWNER OR KEEPER IF
21 THAT INFORMATION IS AVAILABLE TO THE CPS EMPLOYEE. THE WRITTEN
22 REPORT MUST CONTAIN OTHER INFORMATION AVAILABLE TO THE CPS EMPLOYEE
23 THAT MIGHT ASSIST AN ANIMAL CONTROL OFFICER OR LAW ENFORCEMENT
24 OFFICER TO ESTABLISH THE CAUSE OF THE ANIMAL ABUSE OR NEGLECT AND
25 THE MANNER IN WHICH THE ANIMAL ABUSE OR NEGLECT OCCURRED.

26 (4) THE IDENTITY OF A CPS EMPLOYEE WHO MAKES A REPORT UNDER
27 THIS SECTION IS CONFIDENTIAL AND SUBJECT TO DISCLOSURE ONLY WITH

1 THE CONSENT OF THAT CPS EMPLOYEE OR BY JUDICIAL PROCESS. A CPS
2 EMPLOYEE WHO MAKES A REPORT UNDER THIS SECTION IS PRESUMED TO HAVE
3 ACTED IN GOOD FAITH. A CPS EMPLOYEE ACTING IN GOOD FAITH WHO MAKES
4 A REPORT UNDER THIS SECTION OR COOPERATES IN AN INVESTIGATION OF
5 THE SUSPECTED ANIMAL ABUSE OR NEGLECT IS IMMUNE FROM CIVIL OR
6 CRIMINAL LIABILITY THAT MIGHT OTHERWISE BE INCURRED BY THAT ACTION.
7 THIS IMMUNITY FROM CIVIL OR CRIMINAL LIABILITY DOES NOT EXTEND TO A
8 NEGLIGENT ACT THAT CAUSES PERSONAL INJURY OR DEATH.

9 ~~(5) A CPS EMPLOYEE WHO IS REQUIRED BY THIS SECTION TO REPORT~~
10 ~~AN INSTANCE OF SUSPECTED ANIMAL ABUSE OR NEGLECT AND WHO KNOWINGLY~~
11 ~~FAILS TO DO SO IS GUILTY OF A MISDEMEANOR PUNISHABLE BY~~
12 ~~IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN~~
13 ~~\$500.00, OR BOTH.~~

14 ~~(6) A CPS EMPLOYEE WHO KNOWINGLY MAKES A FALSE REPORT OF~~
15 ~~ANIMAL ABUSE OR NEGLECT UNDER THIS SECTION IS GUILTY OF A CRIME AS~~
16 ~~FOLLOWS:~~

17 ~~(A) IF THE ANIMAL ABUSE OR NEGLECT REPORTED WOULD NOT~~
18 ~~CONSTITUTE A CRIME OR WOULD CONSTITUTE A MISDEMEANOR IF THE REPORT~~
19 ~~WERE TRUE, THE CPS EMPLOYEE IS GUILTY OF A MISDEMEANOR PUNISHABLE~~
20 ~~BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE~~
21 ~~THAN \$100.00, OR BOTH.~~

22 ~~(B) IF THE ANIMAL ABUSE OR NEGLECT REPORTED WOULD CONSTITUTE A~~
23 ~~FELONY IF THE REPORT WERE TRUE, THE CPS EMPLOYEE IS GUILTY OF A~~
24 ~~FELONY PUNISHABLE BY THE LESSER OF THE FOLLOWING:~~

25 ~~(i) THE PENALTY FOR THE ANIMAL ABUSE OR NEGLECT FALSELY~~
26 ~~REPORTED.~~

27 ~~(ii) IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT~~

1 ~~MORE THAN \$2,000.00, OR BOTH.~~

2 Enacting section 1. This amendatory act takes effect 90 days
3 after the date it is enacted into law.

4 Enacting section 2. This amendatory act does not take effect
5 unless Senate Bill No.353

6 of the 100th Legislature is enacted into law.