

June 16, 2022

Senator Roger Victory, Chair
Senate Judiciary & Public Safety Committee
P.O. Box 30036
Lansing, MI 48909-7536

Dear Senator Victory and Members of the Senate Judiciary and Public Safety Committee:

The undersigned animal welfare organizations and stakeholders are joining in this request that you vote in favor of [House Bill 4703](#) and [House Bill 4704](#). These bills would create an effective bond-or-forfeit process that would apply when an animal is seized in a case involving a violation of Michigan law prohibiting animal neglect (MCL § 750.50) or animal cruelty (MCL § 750.50b). The inclusion of an effective bond-or-forfeit process in these statutes will benefit both animals and people in Michigan.

- **The current bond-or-forfeit process found in MCL § 750.50 and applicable to cases brought under that statute and MCL § 750.50b is unworkable.**

Owners trying to avoid prosecution for animal cruelty or neglect do not come forward or claim their animals, but under the current statute, courts typically require the defendant/owner's arraignment before the bond-or-forfeit case can proceed. As a result, neither forfeiture nor cost-of-care bonds are effectively available currently, and although courts may order restitution, it is almost never collectable. As a result, despite the clear legislative intent that this not be the case, the organizations holding the animals are responsible for paying for the seized animals' housing, food, veterinary care, and other costs while the criminal case is pending, which could take months or years.

- **An ineffective bond-or-forfeit process creates a disincentive for law enforcement to pursue animal abuse and neglect cases, particularly if they include a large number of animals (e.g., hoarding cases).**

Most agencies would be overwhelmed with the animals seized from just one abuse or neglect case. For example, hoarding cases often involve dozens of animals who have been living in extremely poor conditions for an extended period of time. In addition to the sheer number of animals that can be involved, abused or neglected animals are typically suffering from severe health, behavior, and temperament issues that most agencies are simply not equipped to handle. The overwhelming nature of these cases makes it challenging, if not impossible, for most agencies to effectively address them. An effective bond-or-forfeit process requires a defendant/owner to post a cost-of-care bond to retain ownership of the animals. The holding agency can draw on that bond to pay the reasonable costs of the animals' care. If the defendant/owner does not post a cost-of-care bond, the animals are forfeited to the agency, which can proceed to make appropriate disposition decisions.

- **Without a bond-or-forfeit process, animals continue to be victims.**

The problems with the current bond-or-forfeit process in the anti-neglect and anti-cruelty statutes also result in the animals being held as living evidence for the duration of the legal proceedings. Long holding periods are very detrimental to an animal's physical and mental health and are inhumane. The animals, who have already suffered abuse or neglect, continue to suffer if the system forces them to endure months or years in a holding facility until a disposition

can be made. By allowing timely humane disposition (adoption, transfer, or humane euthanasia) of animals whose defendant/owners do not post a cost-of-care bond, this bill spares the animals a prolonged shelter stay and recognizes their unique status as living evidence.

- **The bond-or-forfeit process proposed for MCL § 750.50 and § 750.50b is already included in MCL § 750.49 and is working well.**

The bond-or-forfeit process proposed in the amendments to MCL § 750.50 and § 750.50b would closely replicate the process that is now included in MCL § 750.49, Michigan's animal fighting statute. That statute was revised in the 2017-18 session based on almost unanimous, bipartisan approval in the House and Senate. The new bond-or-forfeit procedure protects the defendant/owners' due process rights but also places responsibility on defendant/owners to either forfeit the animals or pay the costs of their care. Michigan Humane's cruelty investigation department has used the bond-or-forfeit process in MCL § 750.49 and reports that it is working well.

- **An effective bond-or-forfeit process protects Michigan's resources and residents.**

In addition to protecting animals, an effective bond-or-forfeit process in Michigan's statutes criminalizing animal neglect and animal cruelty will also protect Michigan's resources and residents. If law enforcement agencies, animal control shelters, and animal protection shelters do not have to utilize resources to house and care for seized animals, either because they gain title to the animals and can make disposition decisions or the costs of their care are appropriately borne by the defendant/owner, the agency's resources can be used to provide other services to the community. More important, decades of social science research support what is commonly known as The Link, which is a connection between violence against animals and violence against humans. Removing barriers, such as cost of care, from investigating animal cruelty and neglect cases will likely result in identifying human abuse victims.

Thank you for your time and consideration. For the foregoing animal and human welfare reasons, we hope that you will support HB 4703 and HB 4704.





A different breed of shelter.



ANIMAL LAW SECTION