Prosecutor Worthy Supports New Animal Cruelty Bills

House Bill 4332 and House Bill 4333 are two Animal Cruelty laws that can significantly enhance penalties for animal cruelty offenders. These bills have been presented to Governor Rick Snyder to sign into law.

Statement of Prosecutor Worthy

“The Wayne County Prosecutor’s Office has been fighting continuously for reform in Michigan’s Animal Cruelty laws since 2012. It has been long recognized that there is a connection between animal abuse and domestic violence. We have been prosecuting these serious cases for many years before that. The current laws are not sufficient enough to protect animals and hold offenders responsible for their conduct. We have been working with legislators on changes to the law for seven years. During that time there have been many law makers that have been fighting this battle with us, and we are very grateful for their support. This is certainly a positive step forward.”

House Bill 4332

House Bill 4332 amends both MCL 750.50 and MCL 750.50b. It establishes first, second, and third degrees of killing or torturing an animal. The current maximum penalty for killing or torturing is increased from a four year to a ten year penalty for first degree killing or torturing of an animal. The law penalizes the intentional killing or torturing of a companion animal with the intent to cause mental suffering or distress or to exert control over a person. A companion animal is defined as an animal that is commonly considered to be, or is considered by its owner to be, a pet, or that is a service animal as that term is defined in section 50a. Companion animal includes, but is not limited to, dogs and cats.

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The new bill also enhances the graduated penalties for animal neglect or cruelty and creates a new category for neglect/cruelty of 25 or more animals. Current penalty is four years for neglect/cruelty of ten or more animals. The bill establishes a four year penalty for neglect/cruelty of 10 to 24 animals and a seven year felony for neglect/cruelty of 25 or more.

It extends current animal neglect or cruelty prohibitions to a breeder or pet shop operator. There will be a felony penalty for animal neglect or cruelty by a breeder or pet shop operator who had five or more prior convictions under Public Act 287 of 1969, which regulates pet shops.

**House Bill 4333**

House Bill 4333 updates that sentencing guidelines. See attachment.

**History the Legislative Initiative**

In May 2012, two Wayne County Animal Protection Unit (APU) prosecutors proposed changes to the law to Prosecutor Worthy in a memo stating:

“APU has prosecuted several defendants every year under this statute. Most of the defendants have probationable cells despite horrific intentional crimes. Cases include burning a dog alive, executing a dog while it sits in the defendant's wife's lap, hanging a cat and sending the picture to an ex-girlfriend, poisoning a 12 year-old's turtles because the mother would not go out with the defendant, slamming a 6 month old puppy multiple times on the porch because of a break-up, and many more.”

Senator Steve Bieda (D) and Senator Rick Jones (R) have supported legislative changes since the beginning of the effort by introducing WCPO’s proposed amendments in the 2013-2014 Legislative Session. These bills were substantially similar to HB 4332 and HB 4333. Senators Bieda and Jones have remained dedicated reintroducing the bills in the 2015-2016 Session and again in the 2017-2018 Session.

SB 285 & 286 were introduced on March 21, 2013. The Senate passed the bills and the House Criminal Justice Committee voted the bills out for second reading, but they died in lame duck.

Senator Bieda and Senator Jones reintroduced the bills in the first weeks of the 2015-2016 Session (Jan. 22, 2015). SB 28 and SB 29 were recommended out of the Senate Judiciary committee but never left the Senate floor.

Senators Bieda and Jones with co-sponsors Senators David Knezek, Margaret O'Brien, Tory Rocca, and Ian Conyers introduced the bills again in 2017-2018 Session on March 28, 2017.

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In the 2017-2018 session, for the first time, the House introduced bills proposing the same amendments also with bi-partisan support. Newly elected House Representative Tommy Brann (R), introduced HB 4332 and HB 4333 with Kimberly LaSata (R), Peter Lucido (R), Steve Marino (R), Patrick Green (D), and Jewell Jones (D) signing on as co-sponsors. HB 4332 was ordered enrolled on Tuesday, Dec. 18th. HB 4333 (the sentencing guidelines bill) has passed both houses and will be Ordered Enrolled today.

HB 4332 House Vote: 92 to 15   Senate Vote: 33 to 4 with 1 excused  
HB 4333 House Vote: 90 to 17   Senate Vote: 33 to 4 with 1 excused

The Wayne County Prosecutor’s Office would like to acknowledge the hard work and dedication of the legislators, as well as the Prosecuting Attorneys Association of Michigan. We are proud of the current and former Wayne County Assistant Prosecutors who have worked tirelessly over the years with legislators to change the law and prosecute offenders who would harm the most innocent creatures.

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