

**Public Policy Position**  
**HB 5587 – HB 5593**

The Animal Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 262 members. The Animal Law Section is not the State Bar of Michigan and the position expressed herein is that of the Animal Law Section only and not the State Bar of Michigan. To date, the State Bar does not have a position on this item.

The Animal Law Section has a public policy decision-making body with 15 members. On April 18, 2024, the Section adopted its position after an electronic discussion and vote. 10 members voted in favor of the Section’s position, 0 members voted against this position, 0 members abstained, 5 members did not vote.

**Support**

**Explanation:**

Michigan’s statute prohibiting cruelty to animals, MCL § 750.50b, was amended effective March 21, 2019 to create three degrees of animal cruelty felonies, carrying a maximum sentence of ten years for first degree, seven years for second degree, and four years for third degree. Previously, the statutory maximum sentence for violating MCL § 750.50b was four years. However, even in the most egregious cases, the Michigan sentencing guidelines will not generate a jail or prison sentence unless the defendant has a prior record and/or is a habitual offender.

The Michigan Sentencing Guidelines are not mandatory. However, sentencing courts are required to determine the guideline range and take it into account when imposing a sentence. *People v. Lockridge*, 870 N.W.2d 502, 520 (Mich. 2015). Because felony animal cruelty is classified as a Crime Against Property, the sentencing guidelines fail to generate appropriate sentences for felony animal cruelty.

Intentional, violent acts of torture and/or death to animals should be sentenced differently than the intentional destruction of inanimate objects. People are strongly bonded to their companion animals, and studies show the vast majority consider pets to be family members. Well-documented and reliable studies prove the connection between animal abuse and human violence, which came to be known as “The Link.”® Although under the anti-cruelty statute, first- and second-degree animal cruelty carry potential ten- and seven-year sentences for cruelty against companion animals, including situations where an abuser threatens or harms a companion animal “with the intent to cause mental suffering or distress to a person or to exert control over a person,” the sentencing guidelines do not currently make a jail or prison sentence possible.

The Animal Law Section supports HB 5587-5593. If passed, these bills would amend offense variables (OVs) 1, 3, and 9 to provide for points to be assigned in cases involving felony animal cruelty to companion animals at half the rate of points given in cases involving human victims. In addition, OVs 7 and 11, which currently apply to Crimes against Persons, would be added to the Crimes against Property OVs and amend them to assign points in cases where a companion animal is the victim at half the rate of points given in cases involving human victims.

The current sentencing guidelines do not ensure that appropriate sentences are generated in cases of felony animal cruelty against companion animals. For human and animal safety, the sentencing guidelines should be amended through passage of HB 5587-5593.

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