

House Bill 734

By: Representatives McCall of the 30th, Crawford of the 127th, and Roberts of the 154th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 2 of Chapter 12 of Title 16 of the Official Code of Georgia
2 Annotated, relating to gambling offenses, so as to change certain provisions relating to
3 dogfighting; to prohibit animal fighting or baiting and related conduct; to provide for
4 punishments; to define certain terms; to provide a short title; to provide legislative findings
5 and declarations; repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 This Act shall be known and may be cited as the "Animal Fighting and Baiting Act."

9 **SECTION 2.**

10 The General Assembly finds and declares that the fighting and baiting of animals in this state
11 is a cruel and horrific practice and results in the unwarranted suffering and death of hundreds
12 of animals. In addition, the animals subject to fighting and baiting are aggressive and have
13 caused numerous maulings of humans and deaths of children. The General Assembly finds
14 and declares further that the most effective, economical, humane, and ethical solution to the
15 problem of animal fighting and baiting is to punish such conduct as criminal acts.

16 **SECTION 3.**

17 Part 1 of Article 2 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated,
18 relating to gambling offenses, is amended by striking Code Section 16-12-37, relating to
19 dogfighting, and inserting in lieu thereof the following:

20 "16-12-37.

21 ~~(a) A person commits the offense of dogfighting when he causes or allows a dog to fight~~
22 ~~another dog for sport or gaming purposes or maintains or operates any event at which dogs~~
23 ~~are allowed or encouraged to fight one another.~~

1 ~~(b) A person convicted of the offense of dogfighting shall be punished by a mandatory fine~~
 2 ~~of \$5,000.00 or by a mandatory fine of \$5,000.00 and imprisonment for not less than one~~
 3 ~~year nor more than five years.~~

4 (a) As used in this Code section, the term:

5 (1) 'Animal' means any live vertebrate creature, domestic or wild.

6 (2) 'Baiting' means:

7 (A) Provoking or harassing an animal with one or more other animals for the purpose
 8 of training an animal for, or to cause an animal to engage in, fights with or among other
 9 animals; or

10 (B) Using live animals in the training of greyhounds.

11 (3) 'Fighting' means an attack with violence by an animal against another animal or a
 12 human.

13 (4) 'Owner' means any person that owns, possesses, harbors, keeps, or has custody or
 14 control over animal.

15 (5) 'Person' means any natural person or any firm, partnership, association, or
 16 corporation.

17 (b) Any person who:

18 (1) Owns, possesses, lends, or borrows an animal for the purpose of fighting or baiting;

19 (2) Trains, purchases, sells, transports, transfers, breeds, or equips an animal for the
 20 purpose of fighting or baiting or for training another animal for fighting or baiting;

21 (3) Is a party to or causes any fighting or baiting of any animal;

22 (4) Is present at any structure, facility, or location with knowledge that fighting or baiting
 23 of any animal is taking place or is about to take place;

24 (5) Owns, possesses, builds, implements, or sells programs, drugs, or equipment,
 25 including without limitation pits, fighting arenas, whether permanent or portable,
 26 paraphernalia, or pit supplies, for use in any activity described in paragraph (2) or (3) of
 27 this subsection;

28 (6) Purchases, rents, leases, or otherwise acquires or obtains the use of any structure,
 29 facility, or location for the purpose of committing any violation of paragraph (2) or (3)
 30 of this subsection;

31 (7) Knowingly allows or permits or makes available any structure, facility, or location
 32 to be used for the purpose of committing any violation of paragraph (2) or (3) of this
 33 subsection;

34 (8) Knowingly allows any animal used for fighting or baiting to be kept, boarded,
 35 housed, or trained on, or transported in, any property owned or controlled by him or her;

36 (9) Sponsors, arranges, holds, encourages, or instigates any fighting or baiting of any
 37 animal to take place;

1 (10) Promotes, stages, advertises, or charges any admission fee to a fight or bait;

2 (11) Performs any service or act to facilitate animal fighting or baiting, including, but not
 3 limited to, providing security, refereeing, umpiring, assisting, or handling or transporting
 4 animals or being a stakeholder of any money wagered on animal fighting or baiting;

5 (12) Bets or wagers, or encourages another to bet or wager, any money or other valuable
 6 consideration on the fighting or baiting of animals;

7 (13) Knowingly uses any means of communication for the purpose or promoting a fight
 8 or bait; or

9 (14) Removes or facilitates the removal from custody of a state or local government
 10 agency of any animal impounded under Code Section 4-11-9.2 without prior
 11 authorization

12 shall be guilty of a felony and upon conviction thereof shall be punished by a fine of
 13 \$5,000.00, imprisonment for not less than one year nor more than five years, or both such
 14 fine and imprisonment. Each act or omission in violation of this subsection shall constitute
 15 a separate offense. The court, as part of the sentence, may prohibit the offender from
 16 owning, possessing, or having on the offender's premises any animal or animals as
 17 determined by the court for a period of time up to and including permanent relinquishment.

18 (c) Any person who knowingly brings or accompanies a minor to any activity described in
 19 paragraph (2) or (3) of subsection (b) of this Code section shall be guilty of a
 20 misdemeanor."

21 **SECTION 4.**

22 All laws and parts of laws in conflict with this Act are repealed.