

## Senate Bill 16

By: Senators Rogers of the 21st, Pearson of the 51st, Goggans of the 7th, Heath of the 31st, Carter of the 13th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 11 of Title 4 of the Official Code of Georgia Annotated,  
2 relating to general provisions relative to animal protection, so as to change certain provisions  
3 relating to inspections, impoundment of animals, and exceptions; to change certain  
4 provisions relating to failure to respond, right to hearing, care, and crime exception; to  
5 change certain provisions relating to filing a report regarding animal cruelty and immunity;  
6 to amend Part 1 of Article 2 of Chapter 12 of Title 16 of the Official Code of Georgia  
7 Annotated, relating to gambling offenses, so as to change certain provisions relating to  
8 dogfighting; to prohibit fighting or baiting and related conduct; to provide for punishments;  
9 to define certain terms; to provide a short title; to provide legislative findings and  
10 declarations; repeal conflicting laws; and for other purposes.

11 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

12 **SECTION 1.**

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

14 **SECTION 2.**

15 The General Assembly finds and declares that the fighting and baiting of canines against  
16 canines in this state is a cruel and horrific practice and results in the unwarranted suffering  
17 and death of hundreds of animals. In addition, the animals subject to fighting and baiting are  
18 aggressive and have caused numerous maulings of humans and deaths of children. The  
19 General Assembly finds and declares further that the most effective, economical, humane,  
20 and ethical solution to the problem of fighting and baiting is to punish such conduct as  
21 criminal acts.

22 **SECTION 3.**

23 Article 1 of Chapter 11 of Title 4 of the Official Code of Georgia Annotated, relating to  
24 general provisions relative to animal protection, is amended by revising subsection (c) of

1 Code Section 4-11-9.3, relating to inspections, impoundment of animals, and exceptions, as  
2 follows:

3 "(c) Any person impounding an animal under this article is authorized to return the animal  
4 to its owner, upon payment by the owner of all costs of impoundment and care and upon  
5 the entry of a consent order, unless such owner was, in a prior administrative or legal action  
6 in this state or any other state, found to have failed to provide humane care to an animal,  
7 committed cruelty to animals, or engaged in ~~dog~~ canine fighting or baiting, as such terms  
8 are defined in Code Section 16-12-37, in violation of the laws of this state or of the United  
9 States or any of the several states. Such consent order shall provide conditions relating to  
10 the care and treatment of such animal, including, but not limited to, the following, that:

- 11 (1) Such animal will be given humane care and adequate and necessary veterinary  
12 services;  
13 (2) Such animal will not be subjected to cruelty; and  
14 (3) The owner will comply with this article."

15 **SECTION 4.**

16 Said article is further amended by revising subparagraph (b)(6)(B) of Code Section 4-11-9.5,  
17 relating to failure to respond, right to hearing, care, and crime exception, as follows:

18 "(B) Unless, in a prior administrative or legal action in this state or any other state, the  
19 owner has been found to have failed to provide humane care to an animal, committed  
20 cruelty to animals, or engaged in ~~dog~~ canine fighting or baiting, as such terms are  
21 defined in Code Section 16-12-37, in violation of the laws of this state or of the United  
22 States or any of the several states, recommend conditions under which the animal may,  
23 upon payment by the owner of all costs of impoundment and care, be returned to the  
24 owner. Such conditions shall be reduced to writing and served upon the owner and the  
25 government agency having custody of the animal. Such conditions may include, but are  
26 not limited to, the following, that:

- 27 (i) Such animal will be given humane care and adequate and necessary veterinary  
28 services;  
29 (ii) Such animal will not be subjected to mistreatment; and  
30 (iii) The owner will comply with this article."

31 **SECTION 5.**

32 Said article is further amended by revising subsection (a) of Code Section 4-11-17, relating  
33 to filing a report regarding animal cruelty and immunity, as follows:

34 "(a) Notwithstanding Code Section 24-9-29 or any other provision of law to the contrary,  
35 any licensed ~~accredited~~ veterinarian or certified veterinary technician having reasonable

1 cause to believe that an animal has been subjected to animal cruelty in violation of Code  
 2 Section 16-12-4 or ~~dog fighting or baiting~~, as such terms are defined in Code Section  
 3 16-12-37, in violation of Code Section 16-12-37 may make or cause to be made a report  
 4 of such violation to the Commissioner, his or her designee, an animal control officer, a law  
 5 enforcement agency, or a prosecuting attorney and may appear and testify in any judicial  
 6 or administrative proceeding concerning the care of an animal."

## 7 SECTION 6.

8 Part 1 of Article 2 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated,  
 9 relating to gambling offenses, is amended by revising Code Section 16-12-37, relating to  
 10 dogfighting, as follows:

11 "16-12-37.

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

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

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

19 (1) 'Baiting' means:

20 (A) Provoking, harassing, or enticing an animal with another animal for the purpose  
 21 of training an animal for or causing an animal to engage in fighting as defined in this  
 22 Code Section; or

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

24 (2) 'Fighting' means any attack or physical combat with a canine and another canine.

25 (3) 'Person' means any natural person or any firm, partnership, association, or  
 26 corporation.

27 (4) 'Spectator' means any person who is present at any location with knowledge that  
 28 fighting or baiting is taking place or is about to take place.

29 (b) Any person who:

30 (1) Intentionally causes any fighting or baiting; trains, purchases, sells, transports,  
 31 supplies, breeds, or equips any canine for the purpose of fighting or baiting; or

32 (2) Owns, possesses, harbors, keeps, or has custody or control of any canine for the  
 33 purpose of fighting or baiting; knowingly owns, possesses, solicits, acquires, supplies or  
 34 sells any device to be used for the purpose of fighting or baiting; purchases, rents, or  
 35 acquires the use of any location or knowingly makes available any location for the  
 36 purpose of fighting or baiting;

1 (3) Bets, promotes, advertises, sponsors, organizes, stages, referees, or charges an  
 2 admission fee for or serves as the stakeholder on any fighting or baiting;

3 Shall be guilty of a felony: and upon a first conviction thereof such person shall be  
 4 punished by imprisonment for not less than one year nor more than five years, a fine of not  
 5 less than \$5,000.00, or both such fine and imprisonment; and upon a second or subsequent  
 6 conviction thereof such person shall be punished by imprisonment for not less than one  
 7 year nor more than ten years, a fine of not less than \$15,000.00, or both such fine or  
 8 imprisonment. Each act or omission in violation of this subsection shall constitute a  
 9 separate offense. The court, as part of the sentence may prohibit the person from owning,  
 10 possessing, or having on the offender's premises any animal during the term of the  
 11 sentence.

12 (c) Any spectator who:

13 (1) Is present at any location with knowledge that any fighting or baiting is taking place  
 14 or is about to take place; or

15 (2) Knowingly brings or accompanies a minor child to any fighting or baiting activity  
 16 shall be guilty of a misdemeanor and upon conviction thereof shall be punished by  
 17 imprisonment for not more than one year, a fine not to exceed \$1,000.00, or both such  
 18 fine and imprisonment. Each act or omission in violation of this subsection shall  
 19 constitute a separate offense. The court, as part of the sentence, may prohibit the offender  
 20 from owning, possessing, or having on the offender's premises any animal during the  
 21 term of such sentence.

22 (d) Any animal subject to fighting or baiting may be impounded pursuant to the provisions  
 23 of Code Sections 4-11-9.2 through 4-11-9.6.

24 (e) This Code section shall not prohibit, impede, or otherwise interfere with recognized  
 25 animal husbandry and training techniques or practices not otherwise specifically prohibited  
 26 by law and shall not apply to any person:

27 (1) Using, breeding, training, or equipping any animal to pursue, take, hunt, or recover  
 28 wildlife or free-ranging feral hogs or participating in hunting or fishing in accordance  
 29 with provisions of Title 27 and rules and regulations promulgated pursuant thereto as  
 30 such rules and regulations existed on the date specified in Code Section 27-1-39;

31 (2) Using, breeding, training, or equipping animals to work livestock for agricultural  
 32 purposes in accordance with the rules and regulations of the Commissioner of Agriculture  
 33 as such rules and regulations existed on January 1,2006; or

34 (3) Using, breeding, training, or equipping canines for law enforcement purposes."

## 35 SECTION 7.

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