

House Bill 301

By: Representatives Reese of the 98th, Knight of the 126th, Roberts of the 154th, Williams of the 165th, Jacobs of the 80th, and others

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 dogfighting and related conduct; to provide for punishments; to
4 define a term; to provide for applicability; to provide for related matters; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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 'dog' means any domestic canine that is a
19 member of the species Canis lupus familiaris.

20 (b) Any person who:

21 (1) Owns, possesses, trains, transports, or sells any dog with the intent that such dog shall
22 be engaged in an exhibition of fighting with another dog;

23 (2) For amusement or gain, causes any dog to fight with another dog or causes any dogs
24 to injure each other;

25 (3) Wagers money or anything of value on the result of such dogfighting;

1 (4) Knowingly permits any act in violation of paragraph (1) or (2) of this subsection on
 2 any premises under the ownership or control of such person or knowingly aids or abets
 3 any such act; or

4 (5) Is knowingly present as a spectator at any place where preparations are being made
 5 for an exhibition of the fighting of dogs with the intent to be present at such preparations
 6 or to be knowingly present at such exhibition or to knowingly aid or abet another in such
 7 exhibition

8 shall be guilty of a felony and, upon the first conviction thereof, shall be punished by
 9 imprisonment of not less than one nor more than five years or a fine of not less than
 10 \$5,000.00, or both. On second and subsequent convictions, such person shall be punished
 11 by imprisonment of not less than one nor more than ten years or a fine of not less than
 12 \$15,000.00, or both. Each act or omission in violation of this subsection shall constitute
 13 a separate offense.

14 (c) Any dog subject to fighting may be impounded pursuant to the provisions of Code
 15 Sections 4-11-9.2 through 4-11-9.6.

16 (d) This Code section shall not prohibit, impede, or otherwise interfere with animal
 17 husbandry, training techniques, competition, events, shows, or practices not otherwise
 18 specifically prohibited by law and shall not apply to any person:

19 (1) Owning, using, breeding, training, or equipping any animal to pursue, take, hunt, or
 20 recover wildlife or any animal lawfully hunted under Title 27 or participating in hunting
 21 or fishing in accordance with the provisions of Title 27 and rules and regulations
 22 promulgated pursuant thereto as such rules and regulations existed on the date specified
 23 in Code Section 27-1-39;

24 (2) Owning, using, breeding, training, or equipping dogs to work livestock for
 25 agricultural purposes in accordance with the rules and regulations of the Commissioner
 26 of Agriculture as such rules and regulations existed on January 1, 2007;

27 (3) Owning, using, breeding, training, or equipping dogs for law enforcement purposes;

28 (4) Owning, using, breeding, training, or equipping any dog as a bona fide companion
 29 animal; or

30 (5) Owning, using, breeding, training, or equipping any animal to control damage from
 31 nuisance or pest species in and around structures or agricultural operations."

32 SECTION 2.

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