

The House Committee on Judiciary Non-civil offers the following substitute to HB 301:

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 for amusement  
24 or gain, causes any dogs to injure each other;

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

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

4 shall be guilty of a felony and, upon the first conviction thereof, shall be punished by  
5 imprisonment of not less than one nor more than five years or a fine of not less than  
6 \$5,000.00, or both. On second and subsequent convictions, such person shall be punished  
7 by imprisonment of not less than one nor more than ten years or a fine of not less than  
8 \$15,000.00, or both. Each act or omission in violation of this subsection shall constitute  
9 a separate offense.

10 (c) Any person who is knowingly present only as a spectator at any place for an exhibition  
11 of the fighting of dogs shall, upon a first conviction, be guilty of a misdemeanor, and upon  
12 a second or subsequent conviction, such person shall be guilty of a misdemeanor of a high  
13 and aggravated nature.

14 (d) 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 (e) 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.