

The Senate State Institutions and Property Committee offered the following substitute to HB 366:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 4 of the Official Code of Georgia Annotated, relating to animals, so as to
2 change certain provisions relating to definitions relative to Chapter 8 of said title; to change
3 certain provisions relating to inspections, impoundment of animals, and exceptions; to
4 change certain provisions relating to failure to respond, right to hearing, care, and crime
5 exception; to change certain provisions relating to filing a report regarding animal cruelty
6 and immunity; to amend Part 1 of Article 2 of Chapter 12 of Title 16 of the Official Code of
7 Georgia Annotated, relating to gambling offenses, so as to change certain provisions relating
8 to dog fighting; to prohibit fighting or enticement for dog fighting and related conduct; to
9 provide for punishments; to define certain terms; to provide a short title; to provide
10 legislative findings and declarations; to amend Code Section 30-4-2 of the Official Code of
11 Georgia Annotated, relating to right to equal public accommodations and to be accompanied
12 by guide or service dog, so as to provide that every person engaged in the raising of a dog
13 for training as a guide or service dog shall have the right to be accompanied by such dog in
14 the same manner as a totally or partially blind, deaf, or physically disabled person under
15 certain conditions; to provide for related matters; to repeal conflicting laws; and for other
16 purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

18 This Act shall be known and may be cited as the "Dog Fighting Act."
19

SECTION 2.

20 The General Assembly finds and declares that the fighting of dogs against dogs in this state
21 promotes criminal activity that adversely affects public safety and it is a cruel and
22 unacceptable practice. The General Assembly recognizes and supports the training and use
23 of dogs for hunting, field trials, and other legitimate sporting exhibitions or competitions.
24 The General Assembly finds and declares further that the most effective, economical,
25

1 humane, and ethical solution to the problem of dog fighting is to punish such conduct as a
2 criminal act.

3 SECTION 3.

4 Title 4 of the Official Code of Georgia Annotated, relating to animals, is amended by
5 revising paragraph (6) of Code Section 4-8-41, relating to definitions relative to Chapter 8
6 of said title, as follows:

7 "(6) 'Vicious dog' means any dog that:

8 ~~(A) Inflicts~~ inflicts a severe injury on a human being without provocation after the
9 owner has notice that the dog has previously bitten or attacked or endangered the safety
10 of a human being; ~~or~~

11 ~~(B) Is owned, possessed, kept, harbored, trained, or maintained for the purpose of~~
12 ~~fighting.~~

13 Such term shall not include a dog that inflicts an injury upon a person when the dog is
14 being used by a law enforcement officer to carry out the law enforcement officer's
15 official duties. A dog shall not be a vicious dog if the injury inflicted by the dog was
16 sustained by a person who, at the time, was committing a willful trespass or other tort or
17 was tormenting, abusing, or assaulting the dog or had in the past been observed or
18 reported to have tormented, abused, or assaulted the dog or was committing or attempting
19 to commit a crime."

20 SECTION 4.

21 Said title is further amended by revising subsection (c) of Code Section 4-11-9.3, relating to
22 inspections, impoundment of animals, and exceptions, as follows:

23 "(c) Any person impounding an animal under this article is authorized to return the animal
24 to its owner, upon payment by the owner of all costs of impoundment and care and upon
25 the entry of a consent order, unless such owner was, in a prior administrative or legal action
26 in this state or any other state, found to have failed to provide humane care to an animal,
27 committed cruelty to animals, or engaged in dog fighting or enticement for dog fighting,
28 as such terms are defined in Code Section 16-12-37, in violation of the laws of this state
29 or of the United States or any of the several states. Such consent order shall provide
30 conditions relating to the care and treatment of such animal, including, but not limited to,
31 the following, that:

- 32 (1) Such animal will be given humane care and adequate and necessary veterinary
33 services;
- 34 (2) Such animal will not be subjected to cruelty; and
- 35 (3) The owner will comply with this article."

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) This Code section shall not prohibit, impede, or otherwise interfere with recognized
 5 animal husbandry and training techniques or practices not otherwise specifically prohibited
 6 by law, and the following activities shall not constitute a violation of this Code section:

7 (1) Owning, using, breeding, training, or equipping any dog to pursue, take, hunt, or
 8 recover wildlife or any animal that could be lawfully hunted or taken under Title 27 or
 9 participating in hunting or fishing in accordance with provisions of Title 27 and rules and
 10 regulations promulgated pursuant thereto as such rules and regulations existed on the date
 11 specified in Code Section 27-1-39;

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

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

17 (4) Owning, using, breeding, training, or equipping any dog to control damage from
 18 nuisance or pest species in and around structures or agricultural operations.

19 (b) As used in this Code section, the term:

20 (1) 'Dog' means any member of the species *canis familiaris* or any intentionally bred
 21 hybrid of the species *canis familiaris*.

22 (2) 'Enticement for dog fighting' means knowingly and intentionally provoking,
 23 harassing, or encouraging a dog with another animal for the specific purpose of training
 24 a dog for or causing a dog to engage in fighting as defined in this Code section.

25 (3) 'Fighting' means an attack by a dog against another dog resulting from the intentional
 26 act of any person.

27 (4) 'Person' means any natural person or any firm, partnership, association, or
 28 corporation.

29 (5) 'Spectator' means any person, other than a minor child under the age of 14, who is
 30 willfully present at any location, structure, or facility with knowledge that fighting or
 31 enticement for dog fighting is taking place.

32 (c) Any person who:

33 (1) Intentionally causes any fighting or enticement for dog fighting;

34 (2) Knowingly owns, possesses, harbors, keeps, or has custody or control of any dog for
 35 the purpose of fighting or enticement for dog fighting;

36 (3) Knowingly trains, purchases, sells, transports, transfers, breeds, or equips any dog
 37 for the purpose of fighting or enticement for dog fighting;

1 (4) Knowingly purchases, rents, leases, or otherwise acquires or obtains the use of any
 2 structure, facility, property, or location to be used for the purpose of fighting or
 3 enticement for dog fighting;

4 (5) Knowingly allows, permits, or makes available any structure, facility, property, or
 5 location to be used for the purpose of fighting or enticement for dog fighting;

6 (6) Bets, wagers, or encourages another to bet or wager anything of value on any dog
 7 fighting or enticement for dog fighting activity;

8 (7) Knowingly facilitates, conducts, sponsors, organizes, stages, referees, or charges an
 9 admission fee for or serves as the stakeholder on any dog fighting or enticement for dog
 10 fighting activity;

11 (8) Knowingly uses any means of communication for the purposes of promoting or
 12 advertising fighting or enticement for dog fighting; or

13 (9) Is a spectator as defined in this Code section

14 shall be guilty of a felony; and upon a first conviction thereof such person shall be
 15 punished by imprisonment for no less than one year nor more than five years, a fine of not
 16 less than \$5,000.00, or both such fine and imprisonment; and upon a second or subsequent
 17 conviction thereof such person shall be punished by imprisonment for not less than one
 18 year nor more than ten years, a fine of not less than \$15,000.00, or both such fine and
 19 imprisonment. Each act or omission in violation of this subsection shall constitute a
 20 separate offense. The court, as part of the sentence, may prohibit the offender from
 21 owning, possessing, or having on the offender's premises any dog during the term of the
 22 sentence."

23 SECTION 8.

24 Code Section 30-4-2 of the Official Code of Georgia Annotated, relating to right to equal
 25 public accommodations and to be accompanied by guide or service dog, is amended by
 26 revising subsection (b) as follows:

27 "(b)(1) Every totally or partially blind person shall have the right to be accompanied by
 28 a guide dog, and every physically disabled person and every deaf person shall have the
 29 right to be accompanied by a service dog, especially trained for the purpose, in any of the
 30 places listed in subsection (a) of this Code section without being required to pay an extra
 31 charge for the guide or service dog; provided, however, that he or she shall be liable for
 32 any damage done to the premises or facilities by such dog. In addition, if such totally or
 33 partially blind person, physically disabled person, or deaf person is a student at a private
 34 or public school in this state, such person shall have the right to be accompanied by a
 35 guide dog or service dog subject to liability for damage as provided in the preceding

1 sentence. The guide dog or service dog must be identified as having been trained by a
2 school for seeing eye, hearing, service, or guide dogs.

3 (2) Every person engaged in the training of a guide dog or service dog for the purpose
4 of accompanying a person as provided in paragraph (1) of this subsection shall have the
5 same right to be accompanied by such dog being trained as the totally or partially blind
6 person, deaf person, or physically disabled person has under paragraph (1) of this
7 subsection, so long as such trainer is identified as an agent or employee of a school for
8 seeing eye, hearing, service, or guide dogs.

9 (3) Every person engaged in the raising of a dog for training as a guide dog or service
10 dog for the purpose of accompanying a person as provided in paragraph (1) of this
11 subsection shall have the same right to be accompanied by such dog being raised for
12 training as the totally or partially blind person, deaf person, or physically disabled person
13 has under paragraph (1) of this subsection, so long as:

14 (A) Such dog is being held on a leash and is under the control of the person raising
15 such dog for an accredited school for seeing eye, hearing, service, or guide dogs;

16 (B) Such person has on his or her person and available for inspection credentials from
17 the accredited school for which the dog is being raised; and

18 (C) Such dog is wearing a collar, leash, or other appropriate apparel or device that
19 identifies such dog with the accredited school for which such dog is being raised."

20 SECTION 9.

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