

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 provide for applicability; to provide for related matters; to repeal conflicting laws; and for
5 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.

19 (b) Any person who:

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

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

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

10 (c) Any person who is knowingly present only as a spectator at any place for the fighting
 11 of dogs shall, upon a first conviction thereof, be guilty of a misdemeanor of a high and
 12 aggravated nature. On a second conviction, such person shall be guilty of a felony and
 13 shall be punished by imprisonment of not less than one nor more than five years, a fine of
 14 not less than \$5,000.00, or both such fine and imprisonment. On a third or subsequent
 15 conviction, such person shall be punished by imprisonment of not less than one nor more
 16 than ten years, a fine of not less than \$15,000.00, or both such fine and imprisonment.
 17 Each act in violation of this subsection shall constitute a separate offense.

18 (d) Any dog subject to fighting may be impounded pursuant to the provisions of Code
 19 Sections 4-11-9.2 through 4-11-9.6.

20 (e) This Code section shall not prohibit, impede, or otherwise interfere with animal
 21 husbandry, training techniques, competition, events, shows, or practices not otherwise
 22 specifically prohibited by law and shall not apply to the following activities:

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

28 (2) Owning, using, breeding, training, or equipping dogs to work livestock for
 29 agricultural purposes in accordance with the rules and regulations of the Commissioner
 30 of Agriculture as such rules and regulations existed on January 1, 2008;

31 (3) Owning, using, breeding, training, or equipping dogs for law enforcement purposes
 32 or for use as guard dogs; or

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

35 SECTION 2.

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