

Senate Bill 512

By: Senators Payne of the 54th, Albers of the 56th, Burns of the 23rd, Hufstetler of the 52nd and Anderson of the 24th

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, so as to revise provisions relative to dogfighting; to prohibit
3 animal fighting; to prohibit possession or sale of animal-fighting related objects; to provide
4 for punishment; to provide definitions; to amend Code Section 4-8-27 of the Official Code
5 of Georgia Annotated, relating to certificates of registration, requirements for issuance of
6 certificate, individuals excluded from receiving registration, limitation of ownership, and
7 annual renewal, so as to make conforming changes; to provide for related matters; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Part 1 of Article 2 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated,
12 relating to gambling, is amended in Code Section 16-12-37, relating to dogfighting, as
13 follows:

14 "16-12-37.

15 (a) As used in this Code section, the term '~~dog~~' means ~~any domestic canine~~:

16 (1) 'Animal' means any live animal with a backbone, domestic or wild.

17 (2) 'Animal-fighting related objects' means equipment, products, or materials of any kind
18 that are used, intended for use, or designed for use in the training, preparation, and
19 conditioning of an animal for animal fighting or for the furtherance of the act of animal
20 fighting.

21 (3) 'Minor' means any individual under the age of 18 years.

22 (b) Any person who:

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

25 (2) For amusement or gain, causes any ~~dog~~ animal to fight with another ~~dog~~ animal or
26 for amusement or gain, causes any ~~dogs~~ animals to injure each other;

27 (3) Wagers money or anything of value on the result of such ~~dogfighting~~ animal fighting;

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

31 (5) Knowingly promotes, ~~or advertises,~~ or charges an admission fee for an exhibition of
32 fighting with another ~~dog~~ animals

33 shall be guilty of a felony and, upon the first conviction thereof, shall be punished by
34 imprisonment of not less than one nor more than five years, a fine of not less than
35 \$5,000.00, or both such fine and imprisonment. On a second or subsequent conviction,
36 such person shall be punished by imprisonment of not less than one nor more than ten
37 years, a fine of not less than \$15,000.00, or both such fine and imprisonment. The court,
38 as part of the sentence, may prohibit the offender from owning, possessing, or having on
39 the offender's premises any animal during the term of such sentence. The court may further
40 restrict or prohibit the offender from owning, possessing, or exercising control over any
41 animal for a reasonable period of time upon determination by the court that such restriction
42 or prohibition is a reasonable means of ensuring protection of all animals and provided that
43 such restriction or prohibition shall be no longer than five years for a first conviction and

44 ten years for any second or subsequent conviction. Each act or omission in violation of this
45 subsection shall constitute a separate offense.

46 (c) Any person who is knowingly present only as a spectator or who causes or permits a
47 minor to be present at any place for the fighting of ~~dogs~~ animals shall, upon a first
48 conviction thereof, be guilty of a misdemeanor of a high and aggravated nature. On a
49 second conviction, such person shall be guilty of a felony and shall be punished by
50 imprisonment of not less than one nor more than five years, a fine of not less than
51 \$5,000.00, or both ~~such fine and imprisonment~~. On a third or subsequent conviction, such
52 person shall be punished by imprisonment of not less than one nor more than ten years, a
53 fine of not less than \$15,000.00, or both ~~such fine and imprisonment~~. Each act in violation
54 of this subsection shall constitute a separate offense.

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

57 (e) Any person who knowingly possesses, purchases, or sells animal-fighting related
58 objects with the intent that such objects be used in promoting, facilitating, training for, or
59 otherwise participating in an exhibition of animal fighting shall be guilty of a misdemeanor
60 of a high and aggravated nature.

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

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

- 69 (2) Owning, using, breeding, training, or equipping dogs to work livestock for
70 agricultural purposes in accordance with the rules and regulations of the Commissioner
71 of Agriculture as such rules and regulations existed on January 1, 2008;
- 72 (3) Owning, using, breeding, training, or equipping dogs for law enforcement purposes;
73 or
- 74 (4) Owning, using, breeding, training, or equipping any animal to control damage from
75 nuisance or pest species in and around structures or agricultural operations."

76

SECTION 2.

77 Code Section 4-8-27 of the Official Code of Georgia Annotated, relating to certificates of
78 registration, requirements for issuance of certificate, individuals excluded from receiving
79 registration, limitation of ownership, and annual renewal, is amended by revising
80 paragraph (2) of subsection (f) as follows:

- 81 "(2) The felony of ~~dogfighting~~ animal fighting as provided for in Code Section 16-12-37
82 or the felony of aggravated cruelty to animals as provided for in Code Section 16-12-4;
83 or"

84

SECTION 3.

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