

Senate Bill 102

By: Senators Robertson of the 29th, Payne of the 54th, Hufstetler of the 52nd, Williams of the 25th, Albers of the 56th 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, so as to revise provisions relative to dogfighting; to prohibit
3 fighting of dogs and game cocks; to prohibit possession or sale of fighting related objects;
4 to provide for punishment; to provide for definitions; to amend Code Section 4-8-27 of the
5 Official Code of Georgia Annotated, relating to certificates of registration, requirements for
6 issuance of certificate, individuals excluded from receiving registration, limitation of
7 ownership, and annual renewal, so as to make conforming changes; to provide for related
8 matters; to provide for an effective date and applicability; to repeal conflicting laws; and for
9 other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

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

15 "16-12-37.

16 (a) As used in this Code section, the term:

- 17 (1) 'Dog' 'dog' means any domestic canine.
- 18 (2) 'Fighting related objects' means equipment, products, or materials of any kind that
 19 are used, intended for use, or designed for use in the training, preparation, and
 20 conditioning of a dog or game cock for fighting or for the furtherance of such act.
- 21 (3) 'Game cock' means a domesticated fowl that is bred, reared, or trained for the
 22 purposes of fighting with other fowl.
- 23 (4) 'Minor' means any individual under the age of 18 years.
- 24 (b) Any person who:
- 25 (1) Owns, possesses, trains, transports, or sells any dog with the intent that such dog shall
 26 be engaged in fighting with another dog;
- 27 (2) For amusement or gain, causes any dog to fight with another dog or for amusement
 28 or gain, causes any dogs to injure each other;
- 29 (3) Owns, possesses, trains, transports, or sells any game cock with the intent that such
 30 game cock shall be engaged in fighting with other fowl;
- 31 (4) For amusement or gain, causes any game cock to fight with other fowl or for
 32 amusement or gain, causes any game cocks to injure each other;
- 33 ~~(3)~~(5) Wagers money or anything of value on the result of such ~~dogfighting~~ dog or game
 34 cock fighting;
- 35 ~~(4)~~(6) Knowingly permits any act in violation of paragraph (1) or (2) of this subsection
 36 on any premises under the ownership or control of such person or knowingly aids or abets
 37 any such act; or
- 38 ~~(5)~~(7) Knowingly promotes, or advertises, or charges an admission fee for an exhibition
 39 of ~~dog or game cock~~ fighting with another dog
 40 in violation of this subsection shall be guilty of a felony and, upon the first conviction
 41 thereof, shall be punished by imprisonment of not less than one nor more than five years,
 42 a fine of not less than \$5,000.00, or both ~~such fine and imprisonment~~. On a second or
 43 subsequent conviction, such person shall be punished by imprisonment of not less than one

44 nor more than ten years, a fine of not less than \$15,000.00, or both ~~such fine and~~
45 ~~imprisonment~~. The court, as part of the sentence, may prohibit the offender from owning,
46 possessing, or exercising control over any animal within the species for which the
47 conviction is based for a period not to exceed five years for a first conviction and ten years
48 for any second or subsequent conviction; provided, however, that no sentence shall prohibit
49 the offender from conduct for which he or she has lawful employment. Each act in
50 violation of this subsection shall constitute a separate offense.

51 (c) Any person who is knowingly present only as a spectator or who causes or permits a
52 minor to be present at any place for the fighting of dogs or game cocks shall, upon a first
53 conviction thereof, be guilty of a misdemeanor of a high and aggravated nature. On a
54 second conviction, such person shall be guilty of a felony and shall be punished by
55 imprisonment of not less than one nor more than five years, a fine of not less than
56 \$5,000.00, or both ~~such fine and imprisonment~~. On a third or subsequent conviction, such
57 person shall be punished by imprisonment of not less than one nor more than ten years, a
58 fine of not less than \$15,000.00, or both ~~such fine and imprisonment~~. Each act in violation
59 of this subsection shall constitute a separate offense.

60 (d) Any dog or game cock subject to fighting may be impounded pursuant to the
61 provisions of Code Sections 4-11-9.2 through 4-11-9.6.

62 (e) Any person who knowingly possesses, purchases, or sells fighting related objects with
63 the intent that such objects be used in promoting, facilitating, training for, or otherwise
64 participating in an exhibition of dog or game cock fighting shall be guilty of a
65 misdemeanor of a high and aggravated nature.

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

69 (1) Owning, using, breeding, training, or equipping any animal to pursue, take, hunt, or
70 recover wildlife or any animal lawfully hunted under Title 27 or participating in hunting

71 or fishing in accordance with the provisions of Title 27 and rules and regulations
72 promulgated pursuant thereto as such rules and regulations existed on the date specified
73 in Code Section 27-1-39;

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

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

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

81 **SECTION 2.**

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

86 "(2) The felony of dogfighting or game cock fighting as provided for in Code
87 Section 16-12-37 or the felony of aggravated cruelty to animals as provided for in Code
88 Section 16-12-4; or"

89 **SECTION 3.**

90 This Act shall become effective upon its approval by the Governor or upon its becoming law
91 without such approval, and shall apply to all offenses committed on or after the effective date
92 of this Act.

93 **SECTION 4.**

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