

HB 993

2012

1 A bill to be entitled
 2 An act relating to animal fighting or baiting;
 3 amending s. 828.122, F.S.; specifying certain
 4 equipment and paraphernalia that are illegal to own,
 5 possess, or sell for use in animal fighting or
 6 baiting; providing criminal penalties; providing
 7 factors that may be used in determining whether an
 8 object is animal fighting or baiting paraphernalia;
 9 amending s. 895.02, F.S.; including illegal animal
 10 fighting or baiting as an offense within the
 11 definition of the term "racketeering activity" for
 12 purposes of the Florida RICO (Racketeer Influenced and
 13 Corrupt Organization) Act; providing an effective
 14 date.

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 16 Be It Enacted by the Legislature of the State of Florida:

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 18 Section 1. Subsections (4) through (10) of section
 19 828.122, Florida Statutes, are renumbered as subsections (5)
 20 through (11), respectively, a new subsection (4) is added to
 21 that section, and present subsection (3) of that section is
 22 amended, to read:

23 828.122 Fighting or baiting animals; offenses; penalties.—

24 (3) Any person who knowingly commits any of the following
 25 acts commits a felony of the third degree, punishable as
 26 provided in s. 775.082, s. 775.083, or s. 775.084:

27 (a) Baiting, breeding, training, transporting, selling,
 28 owning, possessing, or using any wild or domestic animal for the

29 | purpose of animal fighting or baiting;

30 | (b) Owning, possessing, or selling equipment or
 31 | paraphernalia for use in any activity described in paragraph

32 | (a), including, but not limited to:

33 | 1. A pen, pit, ring, or enclosure.

34 | 2. A gaff, sparring glove, muff, blade, slasher, or other
 35 | implement designed to be attached to a bird in the location of
 36 | its natural spurs.

37 | 3. A betting slip, a document or record relating to a
 38 | fight, training and fighting literature, or a fight trophy or
 39 | award.

40 | 4. A cat mill, jenny, rape stand, spring pole, flirt pole,
 41 | break stick, supplement, drug, or scale when found in
 42 | combination with or in proximity to any other item listed in
 43 | subparagraphs 1.-3.;

44 | (c) Owning, leasing, managing, operating, or having
 45 | control of any property kept or used for any activity described
 46 | in paragraph (a) or paragraph (b);

47 | (d) Promoting, staging, advertising, or charging any
 48 | admission fee to a fight or baiting between two or more animals;

49 | (e) Performing any service or act to facilitate animal
 50 | fighting or baiting, including, but not limited to, providing
 51 | security, refereeing, or handling or transporting animals or
 52 | being a stakeholder of any money wagered on animal fighting or
 53 | baiting;

54 | (f) Removing or facilitating the removal of any animal
 55 | impounded under this section from an agency where the animal is
 56 | impounded or from a location designated by the court under

HB 993

2012

57 ~~subsection (4)~~, subsection (5), subsection (6), or subsection
58 (8) ~~(7)~~, without the prior authorization of the court;

59 (g) Betting or wagering any money or other valuable
60 consideration on the fighting or baiting of animals; or

61 (h) Attending the fighting or baiting of animals.

62

63 Notwithstanding any provision of this subsection to the
64 contrary, possession of the animal alone does not constitute a
65 violation of this section.

66 (4) In determining whether an object is animal fighting or
67 baiting paraphernalia, a court or other authority or a jury
68 shall consider, in addition to all other logically relevant
69 factors, the following:

70 (a) Statements by the owner or by anyone in control of the
71 object concerning its use.

72 (b) The proximity of the object, in time and space, to a
73 violation of subsection (3).

74 (c) The proximity of the object to an animal fight.

75 (d) The existence of any blood on the object.

76 (e) Direct or circumstantial evidence of the intent of the
77 owner, or of anyone in control of the object, to deliver the
78 object to a person who he or she knows, or should reasonably
79 know, intends to use the object to facilitate a violation of
80 this section.

81 (f) Instructions, oral or written, provided with the
82 object concerning its use.

83 (g) Descriptive materials accompanying the object which
84 explain or depict its use.

- 85 | (h) Any advertising concerning the object's use.
- 86 | (i) The manner in which the object is displayed for sale.
- 87 | (j) The existence and scope of legitimate uses for the
- 88 | object in the community.
- 89 | (k) Expert testimony concerning the object's use.

90 |

91 | A conviction for a violation of paragraph (3) (a) is not required

92 | in order for a court or other authority or a jury to find that

93 | the object is intended for use, or designed for use, as animal

94 | fighting or baiting paraphernalia.

95 | Section 2. Paragraph (a) of subsection (1) of section

96 | 895.02, Florida Statutes, is amended to read:

97 | 895.02 Definitions.—As used in ss. 895.01–895.08, the

98 | term:

99 | (1) "Racketeering activity" means to commit, to attempt to

100 | commit, to conspire to commit, or to solicit, coerce, or

101 | intimidate another person to commit:

102 | (a) Any crime that is chargeable by petition, indictment,

103 | or information under the following provisions of the Florida

104 | Statutes:

105 | 1. Section 210.18, relating to evasion of payment of

106 | cigarette taxes.

107 | 2. Section 316.1935, relating to fleeing or attempting to

108 | elude a law enforcement officer and aggravated fleeing or

109 | eluding.

110 | 3. Section 403.727(3) (b), relating to environmental

111 | control.

112 | 4. Section 409.920 or s. 409.9201, relating to Medicaid

- 113 fraud.
- 114 5. Section 414.39, relating to public assistance fraud.
- 115 6. Section 440.105 or s. 440.106, relating to workers'
- 116 compensation.
- 117 7. Section 443.071(4), relating to creation of a
- 118 fictitious employer scheme to commit unemployment compensation
- 119 fraud.
- 120 8. Section 465.0161, relating to distribution of medicinal
- 121 drugs without a permit as an Internet pharmacy.
- 122 9. Section 499.0051, relating to crimes involving
- 123 contraband and adulterated drugs.
- 124 10. Part IV of chapter 501, relating to telemarketing.
- 125 11. Chapter 517, relating to sale of securities and
- 126 investor protection.
- 127 12. Section 550.235 or s. 550.3551, relating to dogracing
- 128 and horseracing.
- 129 13. Chapter 550, relating to jai alai frontons.
- 130 14. Section 551.109, relating to slot machine gaming.
- 131 15. Chapter 552, relating to the manufacture,
- 132 distribution, and use of explosives.
- 133 16. Chapter 560, relating to money transmitters, if the
- 134 violation is punishable as a felony.
- 135 17. Chapter 562, relating to beverage law enforcement.
- 136 18. Section 624.401, relating to transacting insurance
- 137 without a certificate of authority, s. 624.437(4)(c)1., relating
- 138 to operating an unauthorized multiple-employer welfare
- 139 arrangement, or s. 626.902(1)(b), relating to representing or
- 140 aiding an unauthorized insurer.

141 19. Section 655.50, relating to reports of currency
142 transactions, when such violation is punishable as a felony.

143 20. Chapter 687, relating to interest and usurious
144 practices.

145 21. Section 721.08, s. 721.09, or s. 721.13, relating to
146 real estate timeshare plans.

147 22. Section 775.13(5)(b), relating to registration of
148 persons found to have committed any offense for the purpose of
149 benefiting, promoting, or furthering the interests of a criminal
150 gang.

151 23. Section 777.03, relating to commission of crimes by
152 accessories after the fact.

153 24. Chapter 782, relating to homicide.

154 25. Chapter 784, relating to assault and battery.

155 26. Chapter 787, relating to kidnapping or human
156 trafficking.

157 27. Chapter 790, relating to weapons and firearms.

158 28. Chapter 794, relating to sexual battery, but only if
159 such crime was committed with the intent to benefit, promote, or
160 further the interests of a criminal gang, or for the purpose of
161 increasing a criminal gang member's own standing or position
162 within a criminal gang.

163 29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.
164 796.05, or s. 796.07, relating to prostitution and sex
165 trafficking.

166 30. Chapter 806, relating to arson and criminal mischief.

167 31. Chapter 810, relating to burglary and trespass.

168 32. Chapter 812, relating to theft, robbery, and related

169 crimes.

170 33. Chapter 815, relating to computer-related crimes.

171 34. Chapter 817, relating to fraudulent practices, false

172 pretenses, fraud generally, and credit card crimes.

173 35. Chapter 825, relating to abuse, neglect, or

174 exploitation of an elderly person or disabled adult.

175 36. Section 827.071, relating to commercial sexual

176 exploitation of children.

177 37. Section 828.122, relating to fighting or baiting

178 animals.

179 ~~38.37.~~ Chapter 831, relating to forgery and

180 counterfeiting.

181 ~~39.38.~~ Chapter 832, relating to issuance of worthless

182 checks and drafts.

183 ~~40.39.~~ Section 836.05, relating to extortion.

184 ~~41.40.~~ Chapter 837, relating to perjury.

185 ~~42.41.~~ Chapter 838, relating to bribery and misuse of

186 public office.

187 ~~43.42.~~ Chapter 843, relating to obstruction of justice.

188 ~~44.43.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,

189 or s. 847.07, relating to obscene literature and profanity.

190 ~~45.44.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or

191 s. 849.25, relating to gambling.

192 ~~46.45.~~ Chapter 874, relating to criminal gangs.

193 ~~47.46.~~ Chapter 893, relating to drug abuse prevention and

194 control.

195 ~~48.47.~~ Chapter 896, relating to offenses related to

196 financial transactions.

HB 993

2012

197 49.48. Sections 914.22 and 914.23, relating to tampering
198 with or harassing a witness, victim, or informant, and
199 retaliation against a witness, victim, or informant.

200 50.49. Sections 918.12 and 918.13, relating to tampering
201 with jurors and evidence.

202 Section 3. This act shall take effect July 1, 2012.