

House Bill 217

By: Representatives Hilton of the 48<sup>th</sup>, Silcox of the 53<sup>rd</sup>, Reeves of the 99<sup>th</sup>, Cheokas of the 151<sup>st</sup>, Washburn of the 144<sup>th</sup>, 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 gamecocks; to prohibit possession or sale of fighting related objects; to  
4 provide for punishment; to provide definitions; to amend Code Section 4-8-27 of the Official  
5 Code of Georgia Annotated, relating to certificates of registration, requirements for issuance  
6 of 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 style="text-align:center">**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 by revising Code Section 16-12-37, relating to dogfighting,  
13 as follows:

14 "16-12-37.

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

16 (1) 'Dog' ~~'dog'~~ means any domestic canine.

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17 (2) 'Fighting related objects' means equipment, products, or materials of any kind that  
 18 are used, intended for use, or designed for use in the training, preparation, and  
 19 conditioning of a dog or gamecock for fighting or for the furtherance of such act.

20 (3) 'Gamecock' means a domesticated fowl that is bred, reared, or trained for the  
 21 purposes of fighting with other fowl.

22 (4) 'Minor' means any individual under the age of 18 years.

23 (b) Any person who:

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

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

28 (3) Owns, possesses, trains, transports, or sells any gamecock with the intent that such  
 29 gamecock shall be engaged in fighting with other fowl;

30 (4) For amusement or gain, causes any gamecock to fight with other fowl or for  
 31 amusement or gain, causes any gamecocks to injure each other;

32 ~~(3)~~(5) Wagers money or anything of value on the result of such ~~dogfighting~~ fighting;

33 ~~(4)~~(6) Knowingly permits any act in violation of paragraph (1) or (2) of this subsection  
 34 on any premises under the ownership or control of such person or knowingly aids or abets  
 35 any such act; or

36 ~~(5)~~(7) Knowingly promotes, or advertises, or charges an admission fee for an exhibition  
 37 of fighting with another dog in violation of this subsection

38 shall be guilty of a felony and, upon the first conviction thereof, shall be punished by  
 39 imprisonment of not less than one nor more than five years, a fine of not less than  
 40 \$5,000.00, or both ~~such fine and imprisonment~~. On a second or subsequent conviction,  
 41 such person shall be punished by imprisonment of not less than one nor more than ten  
 42 years, a fine of not less than \$15,000.00, or both ~~such fine and imprisonment~~. The court,  
 43 as part of the sentence, may prohibit the offender from owning, possessing, or exercising

44 control over any animal within the species for which the conviction is based for a period  
45 not to exceed five years for a first conviction and ten years for any second or subsequent  
46 conviction. Each act or omission in violation of this subsection shall constitute a separate  
47 offense.

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

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

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

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

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

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

78 **SECTION 2.**

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

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

86 **SECTION 3.**

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