

**ANIMAL FIGHTING PENALTIES**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Marsha Judkins**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions related to animal fighting.

**Highlighted Provisions:**

This bill:

- ▶ amends the crimes of dog fighting and game fowl fighting; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-9-301.1**, as last amended by Laws of Utah 2010, Chapter 324

**76-9-301.3**, as enacted by Laws of Utah 2015, Chapter 329

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **76-9-301.1** is amended to read:

**76-9-301.1. Dog fighting.**

(1) (a) As used in this section, "dog fighting paraphernalia" means a breaking stick, treadmill, wheel, hot walker, cat mill, cat walker, jenni, or other item meant to train a dog to



28 fight with another dog.

29 (b) Terms defined in Sections 76-1-101.5 apply to this section.

30 (2) [It is unlawful for any person to] An actor commits dog fighting if the actor  
 31 knowingly or intentionally:

32 (a) [~~own, possess, keep, or train~~] owns, possesses, keeps, or trains a dog with the intent  
 33 to engage [it] the dog in [~~an exhibition of fighting~~] fighting with another dog;

34 (b) [~~cause~~] causes a dog to fight with another dog;

35 (c) [~~or cause~~] causes a dog to injure another dog for amusement or gain;

36 [~~(c)~~] (d) [~~tie, attach, or fasten any~~] ties, attaches, or fastens a live animal to a machine  
 37 or device propelled by any power, for the purpose of causing the animal to be pursued by a  
 38 dog; [~~or~~]

39 [~~(d)~~] (e) [~~permit or allow any act which~~] permits or allows another individual to  
 40 perform an act that violates Subsection [(1)(a)] (2)(a), (b), [~~or~~] (c), or (d) on [~~any~~] a premises  
 41 under [~~his charge; or~~] the actor's control;

42 (f) [~~to control, aid, or abet any such act~~] aids or abets another individual to violate  
 43 Subsection (2)(a), (b), (c), or (d);

44 (g) causes or allows an individual under 18 years old to attend a dog fight; or

45 (h) is present:

46 (i) as a spectator at a location where preparations are being made for a dog fight; or

47 (ii) at a dog fight or injury described in this section.

48 (3) (a) A violation of Subsection (2)(a), (b), (c), (d), (e), or (f) is a third degree felony.

49 ~~Ĥ→ [(b) A violation of Subsection (2)(g) is a class A misdemeanor.~~

50 ~~—————(e) (b) ←Ĥ A violation of Subsection Ĥ→ [(2)(h)] (2)(g) or (h) ←Ĥ is a class B~~  
 50a misdemeanor.

51 [~~(2)~~] (4) [~~Possession of any breaking stick, treadmill, wheel, hot walker, cat mill, cat~~  
 52 ~~walker, jenni, or other paraphernalia~~] An actor's possession of dog fighting paraphernalia is  
 53 prima facie evidence of a violation of Subsections (2)(a), (b), (c), or (d) if:

54 (a) the actor possesses a dog; and

55 (b) [~~together with~~] evidence exists that the paraphernalia is being used or is intended  
 56 for use in the [~~unlawful~~] training of [~~a~~] the dog to fight with another dog[~~, together with the~~  
 57 ~~possession of any such dog, is prima facie evidence of violation of Subsections (1)(b) and (c).~~

58 [~~(3)~~] (5) [~~A person who violates Subsection (1) is guilty of a third degree felony, and~~

59 any] A fine imposed for a violation of Subsection (2)(a), (b), (c), (d), (e), or (f) may not exceed  
60 \$25,000.

61 ~~[(4) It is unlawful for a person to knowingly and intentionally be present as a spectator~~  
62 ~~at any place, building, or tenement where preparations are being made for an exhibition of dog~~  
63 ~~fighting, or to knowingly and intentionally be present at a dog fighting exhibition or any other~~  
64 ~~occurrence of fighting or injury described in this section. A person who violates this~~  
65 ~~subsection is guilty of a class B misdemeanor.]~~

66 ~~[(5)]~~ (6) [Nothing in this section prohibits any of the following] This section does not  
67 prohibit:

68 (a) the use of ~~[dogs]~~ a dog for management of livestock by the owner, ~~[his]~~ the owner's  
69 employees or agents, or [any other] another person [in the] with lawful custody of livestock;

70 (b) the use of ~~[dogs]~~ a dog for hunting; or

71 (c) the training of ~~[dogs]~~ a dog or the possession or use of equipment in the training of  
72 ~~[dogs]~~ a dog for ~~[any]~~ a purpose not prohibited by law.

73 Section 2. Section **76-9-301.3** is amended to read:

74 **76-9-301.3. Game fowl fighting.**

75 (1) (a) As used in this section:

76 ~~[(a)]~~ (i) "Game fowl" means a fowl reared or used for fighting other fowl.

77 ~~[(ii)]~~ "Game fowl fighting paraphernalia" means gaffs, slashers, heels, or other sharp  
78 implement designed to be attached in place of the natural spur of a game fowl. ←~~[(ii)]~~

79 ~~[(b)]~~ ~~[(iii)]~~ (ii) ←~~[(b)]~~ "Promote" means to engage in promoting, producing, or staging  
79a ~~[events or~~

80 ~~activities]~~ an event or activity that involve game fowl fighting.

81 (b) Terms defined in Sections 76-1-101.5 apply to this section.

82 (2) ~~[It is unlawful for a person to]~~ An actor commits game fowl fighting if the actor  
83 knowingly or intentionally:

84 ~~[(a) intentionally cause a game fowl to fight with or attack another game fowl for the~~  
85 ~~purpose of entertainment, sport, or contest; or]~~

86 ~~[(b) promote any activity that involves game fowl fighting, including promoting an~~  
87 ~~activity that is a violation of Subsection (2)(a):]~~

88 (a) promotes game fowl fighting;

89 (b) sells a game fowl;

90 (c) owns, possesses, keeps, or trains a game fowl with the intent to engage the game  
91 fowl in fighting another game fowl;

92 (d) causes a game fowl to fight with another game fowl;

93 (e) causes a game fowl to injure another game fowl for amusement or gain;

94 (f) permits or allows another individual to perform an act that violates Subsection  
95 (2)(a), (b), (c), (d), or (e) on a premises under the actor's control;

96 (g) aids or abets another individual to violate Subsection (2)(a), (b), (c), (d), or (e);

97 (h) causes or allows an individual under 18 years old to attend a game fowl fight; or

98 (i) is present:

99 (i) as a spectator at a location where preparations are being made for a game fowl fight;

100 or

101 (ii) at a game fowl fight or injury described in this section.

102 (3) ~~(a)~~ [A person who violates Subsection (2) is, upon conviction, guilty of] A  
103 violation of Subsection (2)(a), (b), (c), (d), (e), (f), or (g) is:

104 ~~[(a)]~~ (i) a class B misdemeanor for the first violation;

105 ~~[(b)]~~ (ii) a class A misdemeanor for the second violation; or

106 ~~[(c)]~~ (iii) a third degree felony for a third or subsequent violation.

107 ~~[(b)]~~ A violation of Subsection (2)(h) is a class A misdemeanor.

108 ~~[(e)]~~ (b) ~~←H~~ A violation of Subsection ~~H→ [(2)(f)]~~ (2)(h) or (i) ~~←H~~ is a class B  
108a misdemeanor ~~H→~~ . ~~←H~~

109 ~~H→ [(4)]~~ An actor's possession of game fowl fighting paraphernalia is prima facie evidence  
110 of a violation of Subsections (2)(c), (d), or (e) if:

111 ~~————~~ (a) the actor possesses a game fowl; and

112 ~~————~~ (b) evidence exists that the game fowl fighting paraphernalia is being used or is  
113 intended for use in the training of the game fowl to fight with another game fowl;

114 ~~————~~ ~~(5)]~~ (4) ~~←H~~ This section does not prohibit the lawful use of livestock by the livestock  
114a owner, an

115 employee or agent of the livestock owner, or a person ~~[in the]~~ with lawful custody of livestock.

116 Section 3. **Effective date.**

117 This bill takes effect on May 1, 2024.