

Senator Gene Davis proposes the following substitute bill:

GAME FOWL FIGHTING AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gene Davis

House Sponsor: Johnny Anderson

LONG TITLE

General Description:

This bill amends provisions of the Utah Criminal Code relating to animal cruelty.

Highlighted Provisions:

This bill:

▶ provides that game fowl fighting ~~H→ [and specified acts related to game fowl fighting~~

12a1 ~~are] is a ←H~~

12a ~~S→ class A H→ [misdemeanors on the first offense, and ←S~~

13 ~~third degree felonies S→ on second and subsequent offenses] misdemeanor ←H ←S ;~~

▶ provides that being present at a game fowl fight is a class B misdemeanor; and

▶ provides definitions and cross references.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-9-301, as last amended by Laws of Utah 2008, Chapter 292

76-9-301.5, as last amended by Laws of Utah 2008, Chapter 292

ENACTS:

76-9-301.3, Utah Code Annotated 1953



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150 as designated by the court; and

151 (d) order the animal to be placed for the purpose of adoption or care in the custody of a
152 county ~~and~~ or municipal animal control agency~~;~~ or an animal welfare agency registered with
153 the state~~;~~ to be sold at public auction~~;~~ or humanely destroyed.

154 (12) This section does not prohibit the use of animals in lawful training.

155 (13) A veterinarian who, acting in good faith, reports a violation of this section to law
156 enforcement may not be held civilly liable for making the report.

157 Section 2. Section **76-9-301.3** is enacted to read:

158 **76-9-301.3. Game fowl fighting** ~~H→~~ [~~-- Training game fowl for fighting~~] ~~←H~~ .

159 (1) As used in this section "game fowl" means any of several breeds of fowl reared or
160 used for fighting other fowl.

161 (2) It is unlawful for any person to:

162 ~~H→~~ [~~(a) own, possess, keep, or train game fowl with the intent to engage it in fighting with~~
163 ~~another game fowl;~~

164 ~~—(b) (a) intentionally~~ ~~←H~~ cause a game fowl to fight with or injure another game fowl;

165 ~~H→~~ [~~(c) manufacture, buy, sell, trade, or possess an instrument designed to enhance the~~
166 ~~ability to, or likelihood of, causing injury to a game fowl with the intent that the instrument be~~
167 ~~used in game fowl fighting or game fowl training;~~] ~~←H~~ or

168 ~~H→~~ [~~(d) (b) knowingly~~ ~~←H~~ permit or allow any act that violates Subsection (2)(a)

168a1 ~~H→~~ [~~;(b), or (c)~~] ~~←H~~

168a on any premises

169 under the person's charge.

170 (3) ~~S→~~ ~~H→~~ [~~(a)~~] ~~←H~~ ~~←S~~ A person who violates Subsection (2) is guilty of a ~~S→~~ class A
170a misdemeanor ~~H→~~ [~~; except under Subsection (3)(b);~~

170b ~~(b) A second or subsequent violation of Subsection (2) is a~~ ~~←S~~ third degree felony] ~~←H~~ .

171 (4) This section does not prohibit the lawful use of livestock by the owner, the owner's
172 employees or agent, or any other person in the lawful custody of livestock.

173 (5) Any ~~H→~~ personal ~~←H~~ property, material, or device used or possessed in violation of
173a this section is

174 subject to criminal or civil forfeiture under the procedures and substantive protections
175 established in Title 24, Chapter 1, Utah Uniform Forfeiture Procedures Act.

176 Section 3. Section **76-9-301.5** is amended to read:

177 **76-9-301.5. Spectator at organized animal fighting exhibitions.**

178 It is unlawful for a person to knowingly be present as a spectator at any place, building,
179 or tenement where preparations are being made for an exhibition of the fighting of animals, as
180 prohibited by Subsections 76-9-301(2)(d) and (e) or Section 76-9-301.3, or to be present at