

90 (a) fails to provide necessary food, water, care, or shelter for an animal in the person's
91 custody;

92 (b) abandons an animal in the person's custody; ~~H→~~ or ~~←H~~

93 (c) injures an animal ~~H→~~ ; ~~or~~

94 ~~—— (d) causes any animal[, not including a dog or game fowl,] to fight with another animal~~
95 ~~[of like kind] for amusement or gain[; or];~~ ~~←H~~

96 ~~[(e) causes any animal, including a dog or game fowl, to fight with a different kind of~~
97 ~~animal or creature for amusement or gain.]~~

98 (3) Except as provided in Section 76-9-301.7, a violation of Subsection (2) is:

99 (a) a class B misdemeanor if committed intentionally or knowingly; and

100 (b) a class C misdemeanor if committed recklessly or with criminal negligence.

101 (4) ~~[A person]~~ An actor is guilty of aggravated cruelty to an animal if the ~~[person]~~
102 actor:

103 (a) tortures an animal;

104 (b) administers, or causes to be administered, poison or a poisonous substance to an
105 animal; or

106 (c) kills an animal or causes an animal to be killed without having a legal privilege to
107 do so.

108 (5) Except as provided in Subsection (6) or Section 76-9-301.7, a violation of
109 Subsection (4) is:

110 (a) a class A misdemeanor if committed intentionally or knowingly;

111 (b) a class B misdemeanor if committed recklessly; and

112 (c) a class C misdemeanor if committed with criminal negligence.

113 (6) ~~[A person]~~ An actor is guilty of a third degree felony if the ~~[person]~~ actor
114 intentionally or knowingly tortures a companion animal.

115 (7) It is a defense to prosecution under this section that the conduct of the actor towards
116 the animal was:

117 (a) by a licensed veterinarian using accepted veterinary practice;

118 (b) directly related to bona fide experimentation for scientific research, provided that if
119 the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless
120 directly necessary to the veterinary purpose or scientific research involved;

183 (3) (a) A violation of Subsection (2) is a class A misdemeanor.

183a ~~Ĥ~~→ (b) A third or subsequent violation of Subsection (2) is a third degree felony. ←~~Ĥ~~

184 ~~Ĥ~~→ ~~(b)~~ (c) ←~~Ĥ~~ Notwithstanding Subsection (3)(a), if the animal is a dog, a violation of

184a Subsection

185 (2) is a third degree felony and any fine imposed may not exceed \$25,000.

186 ~~[(2)]~~ (4) Possession of any ~~[breaking stick, treadmill, wheel, hot walker, cat mill, cat~~

187 ~~walker, jenni, or other]~~ animal fighting paraphernalia together with evidence that the

188 paraphernalia is being used or is intended for use in the unlawful training of ~~[a dog]~~ an animal

189 to fight with another ~~[dog]~~ animal, together with the possession of any such ~~[dog]~~ animal, is

190 prima facie evidence of a violation of ~~[Subsections (1)(b) and (c)]~~ Subsection (2).

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

192 ~~fine imposed may not exceed \$25,000.]~~

193 ~~[(4) It is unlawful for a person to knowingly and intentionally be present as a spectator~~

194 ~~at any place, building, or tenement where preparations are being made for an exhibition of dog~~

195 ~~fighting, or to knowingly and intentionally be present at a dog fighting exhibition or any other~~

196 ~~occurrence of fighting or injury described in this section. A person who violates this~~

197 ~~subsection is guilty of a class B misdemeanor.]~~

198 (5) Nothing in this section prohibits any of the following:

199 (a) the use of dogs for management of livestock by the owner, his employees or agents,
200 or any other person in the lawful custody of livestock;

201 (b) the use of dogs for hunting; ~~[or]~~

202 (c) the training of dogs or the possession or use of equipment ~~Ĥ~~→ or animals ←~~Ĥ~~ in the
202a training of dogs for

203 any purpose not prohibited by law~~[:];~~ or

204 (d) the lawful use of livestock by the livestock owner, an employee or agent of the
205 livestock owner, or a person in the lawful custody of livestock.

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

207 **76-9-301.5. Spectator at organized animal fighting exhibitions.**

208 (1) For the purposes of this section, "minor" means an individual under 18 years old.

209 (2) An actor commits spectator at an organized animal fighting exhibition if the actor:

210 ~~[It is unlawful for a person to]~~ (a) is knowingly ~~[be]~~ present as a spectator:

211 (i) at any place, building, or tenement where preparations are being made for an

212 exhibition of the fighting of animals, as prohibited by [Subsections] Subsection 76-9-301(2)(d)

213 [and (e), or to be present]; or