

ANIMAL FIGHTING PENALTIES

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Marsha Judkins

Senate Sponsor: Todd D. Weiler

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

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.]~~ ~~←~~ ~~→~~

79 ~~[(b)]~~ ~~→~~ ~~[(iii)]~~ (ii) ~~←~~ "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 ~~Ĥ→ [(b) A violation of Subsection (2)(h) is a class A misdemeanor.~~

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

109 ~~Ĥ→ [(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) ←Ĥ~~ 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.