

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 (b) A violation of Subsection (2)(g) is a class A misdemeanor.

50 (c) A violation of Subsection (2)(h) is a class B 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) "Promote" means to engage in promoting, producing, or staging ~~[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 (c) A violation of Subsection (2)(i) is a class B misdemeanor

109 (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) This section does not prohibit the lawful use of livestock by the livestock 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.