4/13/18 10:00 A.M.

Chapter No. 456
18/SS36/R386SG
LR 1 TB/RC

SENATE BILL NO. 2934

Originated in Senate Liz Welch Secretary

SENATE BILL NO. 2934

AN ACT TO AMEND SECTION 97-41-19, MISSISSIPPI CODE OF 1972, TO REVISE THE OFFENSE OF AND PUNISHMENT FOR DOG FIGHTING AND TO CLARIFY THE DEFINITION OF DOG FIGHTING PARAPHERNALIA; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 97-41-19, Mississippi Code of 1972, is amended as follows:

97-41-19. (1) If any person (a) shall sponsor, promote, stage or conduct a fight or fighting match between dogs, or (b) shall wager or bet, promote or encourage the wagering or betting of any money or other valuable thing upon any such fight or upon the result thereof, or (c) shall own <u>or possess</u> a dog with the intent to * * * <u>willfully</u> enter it or to participate in any such fight, or (d) shall train or transport a dog for the purposes of participation in any such fight, * * * <u>or (e) shall own, possess, buy, sell, transfer, or manufacture paraphernalia for the purpose of engaging in or otherwise promoting or facilitating such fight, the person</u> shall be guilty of a felony and, upon conviction <u>for a</u>

first offense, shall be punished by a fine of not less than One Thousand Dollars ($1,000.00) nor more than Five Thousand Dollars ($5,000.00), or by imprisonment in the State Penitentiary for a term of not less than one (1) nor more than * * * five (5) years, or by both such fine and imprisonment, in the discretion of the court.

Upon conviction for a second or subsequent offense, the person shall be guilty of a felony and punished by a fine of not less than Five Thousand Dollars ($5,000.00), nor more than Ten Thousand Dollars ($10,000.00), or by imprisonment in the custody of the Department of Corrections for a term of not less than three (3) years, nor more than ten (10) years, or both.

(2) If any person shall be present, as a spectator, at any location where preparations are being made for an exhibition of a fight between dogs with the intent to be present at such preparations, or if any person shall be present at an exhibition of a fight between dogs with the intent to be present at such exhibition, he shall be guilty of a felony and, upon conviction, shall be punished by a fine of not less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00), or by imprisonment in the State Penitentiary for a term of not more than one (1) year, or by both such fine and imprisonment, in the discretion of the court.

(3) Any law enforcement officer making an arrest under subsection (1) of this section may lawfully take possession

of * * * all paraphernalia, implements, equipment or other property, including dogs, used in violation of subsection (1) of this section. Such officer shall file with the circuit court of the county within which the alleged violation occurred an affidavit stating therein (a) the name of the person charged, (b) a description of the property taken, (c) the time and place of the taking, (d) the name of the person who claims to own such property, if known, and (e) that the affiant has reason to believe, stating the ground of such belief, that the property taken was used in such violation. He shall thereupon deliver the property to such court which shall, by order in writing, place such * * * paraphernalia, implements, equipment, or other property, including dogs, in the custody of * * * the law enforcement agency, or * * * its designee. All paraphernalia, implements, equipment, or other property, excluding dogs forfeited under subsection (4) of this section, are to be kept by such custodian until the conviction or final discharge of the accused, and shall then send a copy of such order without delay to the district attorney of the county. The custodian named and designated in such order shall immediately assume the custody of such property and shall retain same, subject to order of the court.

* * *

(4) Within ten (10) days of the seizure of dogs under this section, the owner of the dogs may request a hearing to determine

the disposition of the dogs. The court shall follow the procedure and guidelines as set out in Section 97-41-2(2) through (8) in conducting the hearing and determining the disposition of the dogs. Nothing in subsection (1) of this section shall prohibit any of the following:

(a) The use of dogs in the management of livestock, by the owner of such livestock or other persons in lawful custody thereof;

(b) The use of dogs in lawful hunting; and

(c) The training of dogs for any purpose not prohibited by law.

(5) For purposes of this section, the term "paraphernalia" means equipment, products, implements and materials of any kind that are used, intended for use, or designed for use in the training, preparation, conditioning, or furtherance of dog fighting, and includes, but is not limited to, the following: breaking sticks, cat mills, treadmills, fighting pits, spring poles, unprescribed veterinary medicine, or treatment supplies.

In determining whether an object is paraphernalia, a court shall consider any prior convictions under federal or state law relating to animal fighting, the proximity of the object in time and space to the direct violation of this section, direct or circumstantial evidence of the intent of the person to deliver the object to persons whom he or she knows or should reasonably know intends to use the object to facilitate a violation of this

section, oral or written instructions provided with or in the vicinity of the object concerning its use, descriptive materials accompanying the object which explain or depict its use, and any other relevant factors.

SECTION 2. This act shall take effect and be in force from and after July 1, 2018.

PASSED BY THE SENATE
March 27, 2018

Tate Reeves

PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 27, 2018

Philip Gunn

SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

Phil Bryant

GOVERNOR

April 13, 2018
10:00 A.M.