

By: Senator(s) DeBar, Seymour

To: Judiciary, Division A

SENATE BILL NO. 2850

1 AN ACT TO AMEND SECTION 97-41-19, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE OFFENSE OF DOGFIGHTING AND TO CLARIFY THE DEFINITION
3 OF DOGFIGHTING PARAPHERNALIA; AND FOR RELATED PURPOSES.

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

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

7 97-41-19. (1) If any person (a) shall sponsor, promote,
8 stage or conduct a fight or fighting match between dogs, or (b)
9 shall wager or bet, promote or encourage the wagering or betting
10 of any money or other valuable thing upon any such fight or upon
11 the result thereof, or (c) shall own or possess a dog with the
12 intent to * * * willfully enter it or to participate in any such
13 fight, or (d) shall train or transport a dog for the purposes of
14 participation in any such fight, or (e) shall own, possess, buy,
15 sell, transfer, or manufacture paraphernalia for the purpose of
16 engaging in or otherwise promoting or facilitating such fight, he
17 shall be guilty of a felony and, upon conviction, shall be
18 punished by a fine of not less than One Thousand Dollars



19 (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or by
20 imprisonment in the State Penitentiary for a term of not less than
21 one (1) nor more than three (3) years, or by both such fine and
22 imprisonment, in the discretion of the court.

23 (2) If any person shall be present, as a spectator, at any
24 location where preparations are being made for an exhibition of a
25 fight between dogs with the intent to be present at such
26 preparations, or if any person shall be present at an exhibition
27 of a fight between dogs with the intent to be present at such
28 exhibition, he shall be guilty of a felony and, upon conviction,
29 shall be punished by a fine of not less than Five Hundred Dollars
30 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or by
31 imprisonment in the State Penitentiary for a term of not more than
32 one (1) year, or by both such fine and imprisonment, in the
33 discretion of the court.

34 (3) Any law enforcement officer making an arrest under
35 subsection (1) of this section may lawfully take possession of all
36 dogs and all paraphernalia, implements, equipment or other
37 property used in violation of subsection (1) of this section.
38 Such officer shall file with the circuit court of the county
39 within which the alleged violation occurred an affidavit stating
40 therein (a) the name of the person charged, (b) a description of
41 the property taken, (c) the time and place of the taking, (d) the
42 name of the person who claims to own such property, if known, and
43 (e) that the affiant has reason to believe, stating the ground of



44 such belief, that the property taken was used in such violation.
45 He shall thereupon deliver the property to such court which shall,
46 by order in writing, place such dogs, paraphernalia, implements,
47 equipment, or other property in the custody of a licensed
48 veterinarian, the local humane society or other animal welfare
49 agency, or other suitable custodian, to be kept by such custodian
50 until the conviction or final discharge of the accused, shall
51 appoint an animal control agency, veterinarian or other
52 appropriate designee as temporary custodian for any dogs seized,
53 pending final disposition of the animal under Section 97-41-2, and
54 shall send a copy of the orders without delay to the district
55 attorney of the county. The custodian or custodians named and
56 designated in such order shall immediately assume the custody of
57 such property and shall retain same, subject to order of the
58 court.

59 Upon the written certification of a licensed veterinarian or
60 officer of the humane society or animal welfare agency that, in
61 his professional judgment, a dog which has been seized is not
62 likely to survive the final disposition * * * under Section
63 97-41-2 or that, by reason of the physical condition of the dog,
64 it should be humanely euthanized before such time, * * * the dog
65 may be humanely euthanized immediately. The court shall make its
66 finding of whether to issue such an order within seven (7) days
67 from the certification by the veterinarian or officer of the
68 humane society or animal welfare agency. The owner of a dog which



69 is euthanized without an order of the court with such
70 certification of a licensed veterinarian or officer of the humane
71 society or other animal welfare agency shall have a right of
72 action for damages against the department or agency by which the
73 arresting or seizing officer is employed. Upon conviction of the
74 person charged with a violation of subsection (1) of this section,
75 all dogs seized shall be adjudged by the court to be forfeited and
76 the court shall order a humane disposition of the same. In no
77 event shall the court order the dog to be euthanized without the
78 certification of a licensed veterinarian or officer of the humane
79 society or other animal welfare agency that, in his judgment, the
80 dog is not likely to survive or that, by reason of its physical
81 condition, the dog should be humanely euthanized. In the event of
82 the acquittal or final discharge without conviction of the
83 accused, the court shall direct the delivery of the property so
84 held in custody to the owner thereof. All reasonable expenses
85 incurred by the custodian of seized dogs and property shall be
86 charged as costs of court, to be taxed against the owner or county
87 in the discretion of the court.

88 (4) Nothing in subsection (1) of this section shall prohibit
89 any of the following:

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

93 (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.

