

By: Senator(s) Dearing, Hudson, Kirby,
Carmichael, Horhn, Butler, Witherspoon,
Jackson (11th), Frazier, Jordan, Burton,
Seymour, Doty, Barnett, Polk, Chassaniol,
Younger, McMahan, Hill, Parker, Parks,
Blackwell

To: Judiciary, Division A

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2934

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

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

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

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



20 (\$1,000.00) nor more than * * * Ten Thousand Dollars (\$10,000.00),
21 or by imprisonment in the State Penitentiary for a term of not
22 less than one (1) nor more than * * * ten (10) years, or by both
23 such fine and imprisonment, in the discretion of the court.

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

35 (3) Any law enforcement officer making an arrest under
36 subsection (1) of this section may lawfully take possession
37 of * * * all paraphernalia, implements, equipment or other
38 property used in violation of subsection (1) of this section.
39 Such officer shall file with the circuit court of the county
40 within which the alleged violation occurred an affidavit stating
41 therein (a) the name of the person charged, (b) a description of
42 the property taken, (c) the time and place of the taking, (d) the
43 name of the person who claims to own such property, if known, and
44 (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 in the custody of * * * the law enforcement agency, or other suitable custodian, to be kept by such custodian until the conviction or final discharge of the accused, and shall 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) 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:



70 breaking sticks, cat mills, treadmills, fighting pits, spring
71 poles, unprescribed veterinary medicine, or treatment supplies.

72 In determining whether an object is paraphernalia, a court
73 shall consider any prior convictions under federal or state law
74 relating to animal fighting, the proximity of the object in time
75 and space to the direct violation of this section, direct or
76 circumstantial evidence of the intent of the person to deliver the
77 object to persons whom he or she knows or should reasonably know
78 intends to use the object to facilitate a violation of this
79 section, oral or written instructions provided with or in the
80 vicinity of the object concerning its use, descriptive materials
81 accompanying the object which explain or depict its use and any
82 other relevant factors.

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

