

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

SENATE BILL NO. 2934
(As Sent to Governor)

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 * * * willfully enter it or to participate in any such
14 fight, or (d) shall train or transport a dog for the purposes of
15 participation in any such fight, * * * or (e) shall own, possess,
16 buy, sell, transfer, or manufacture paraphernalia for the purpose
17 of engaging in or otherwise promoting or facilitating such fight,
18 the person shall be guilty of a felony and, upon conviction for a
19 first offense, shall be punished by a fine of not less than One



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

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

31 (2) If any person shall be present, as a spectator, at any
32 location where preparations are being made for an exhibition of a
33 fight between dogs with the intent to be present at such
34 preparations, or if any person shall be present at an exhibition
35 of a fight between dogs with the intent to be present at such
36 exhibition, he shall be guilty of a felony and, upon conviction,
37 shall be punished by a fine of not less than Five Hundred Dollars
38 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or by
39 imprisonment in the State Penitentiary for a term of not more than
40 one (1) year, or by both such fine and imprisonment, in the
41 discretion of the court.

42 (3) Any law enforcement officer making an arrest under
43 subsection (1) of this section may lawfully take possession
44 of * * * all paraphernalia, implements, equipment or other



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

66 * * *

67 (4) Within ten (10) days of the seizure of dogs under this
68 section, the owner of the dogs may request a hearing to determine
69 the disposition of the dogs. The court shall follow the procedure



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

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

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

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

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

87 In determining whether an object is paraphernalia, a court
88 shall consider any prior convictions under federal or state law
89 relating to animal fighting, the proximity of the object in time
90 and space to the direct violation of this section, direct or
91 circumstantial evidence of the intent of the person to deliver the
92 object to persons whom he or she knows or should reasonably know
93 intends to use the object to facilitate a violation of this
94 section, oral or written instructions provided with or in the



95 vicinity of the object concerning its use, descriptive materials
96 accompanying the object which explain or depict its use, and any
97 other relevant factors.

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

