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HOUSE BILL NO. 1465

Offered January 15, 2008

A BILL to amend and reenact §§ 3.1-796.113, 3.1-796.124, 3.1-796.125, and 18.2-403.2 of the Code of Virginia, relating to dogfighting.

Patrons—Armstrong, Amundson, Griffith, Miller, P.J., Moran and Scott, J.M.

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.1-796.113, 3.1-796.124, 3.1-796.125, and 18.2-403.2 of the Code of Virginia are amended and reenacted as follows:

§ 3.1-796.113. Power of search for violations of statutes against cruelty to animals.

When a sworn complaint is made to any proper authority by any animal control officer, humane investigator, law-enforcement officer or State Veterinarian's representative that the complainant believes and has reasonable cause to believe that the laws in relation to cruelty to animals have been, are being, or are about to be violated in any particular building or place, such authority, if satisfied that there is reasonable cause for such belief, shall issue a warrant authorizing any *animal control officer*, sheriff, deputy sheriff or police officer, to search the building or place. ~~No search shall be made after sunset unless specially authorized by the authority upon satisfactory cause shown.~~

§ 3.1-796.124. Dogfighting; penalty.

A. No person shall knowingly ~~do any of the following~~:

1. Promote, *attend*, engage in, or be employed in the fighting of dogs for amusement, sport or gain;
2. Wager money or anything of value on the result of such fighting;
3. Receive money or anything of value for the admission of another person to a place for dogfighting;
4. Possess, own, train, transport, or sell any dog with the intent that such dog engage in an exhibition of fighting with another dog; ~~or~~
5. Permit *any minor to violate subdivisions 1 through 4*;
6. *Allow* any act described in subdivisions 1 through 45 of this subsection on any premises under his charge or control, or aid or abet any such act; *or*
7. *Possess any device or substance intended to train a dog for fighting or enhance a dog's ability to fight.*

B. Any animal control officer, as defined in § 3.1-796.66, shall confiscate any dogs that have been, are, or are intended to be used in dogfighting and any equipment used in training such dogs or used in dogfighting.

1. Upon confiscation of a dog, the animal control officer shall petition the appropriate court for a hearing. The hearing shall be not more than 10 business days from the date of the seizure of the dog. The hearing shall be a preliminary determination of whether the dog has been used or intended for use in dogfighting. The court shall order the dogs forfeited to the locality: (i) for good cause; (ii) if there is no contest from the owner; or (iii) if the owner fails to post bond in surety with the locality as provided in subdivision 2.

2. Any owner may contest the forfeiture at the hearing by posting bond in surety with the locality for the locality's cost of caring for the dog for a period of nine months. An additional posting of bond shall be required for each successive nine-month period until a final determination by the court on the criminal charges.

3. Upon a final determination of guilty by the court on the underlying criminal charges, ownership in any forfeited dogs shall be transferred to the locality. Amounts realized on any posted bond shall be remitted to the locality. Upon a final determination of not guilty by the court on the underlying criminal charges, a forfeited dog shall be returned to his owner and any bond shall be returned to him.

C. Any person convicted of violating this section may be prohibited by the court from possession or ownership of other companion animals.

~~D. Any person who violates any provision~~Each violation of this section shall be guilty of a Class 6 felony.

E. In addition to any other fines and costs, any person who is convicted of a violation of this section shall pay all *actual*, reasonable costs incurred in housing, *caring for*, or euthanizing any confiscated dogs.

§ 3.1-796.125. Fighting cocks or other animals; attendance at fighting; penalty.

A. Any person engaging in the fighting of cocks or other animals, except dogs, for money, prize or

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59 anything of value, or betting or wagering money or anything of value on the result of such fight, shall
60 be guilty of a Class 3 misdemeanor.

61 B. Attendance at the fighting of cocks or other animals, except dogs, where an admission fee is
62 charged, directly or indirectly, shall constitute a Class 3 misdemeanor.

63 ~~C. Attendance at an exhibition of the fighting of dogs shall constitute a Class 1 misdemeanor.~~

64 § 18.2-403.2. Offenses involving animals - Class 3 misdemeanors.

65 The following unlawful acts and offenses against animals shall constitute and be punished as a Class
66 3 misdemeanor:

67 1. Violation of § 3.1-796.71 pertaining to the failure of a shopkeeper or pet dealer to provide
68 adequate care to animals.

69 2. Violation of § 3.1-796.72 pertaining to the misrepresentation of an animal's condition by the
70 shopkeeper or pet dealer.

71 3. Violation of § 3.1-796.73 pertaining to the abandonment of animals.

72 4. Violation of § 3.1-796.70 pertaining to the sale of baby fowl.

73 5. Violation of § 3.1-796.125 pertaining to fighting cocks, dogs and other animals.

74 6. Violation of clause (iii) of subsection A of § 3.1-796.122 pertaining to soring horses.

75 7. Violation of § 3.1-796.83:2 pertaining to notice of consumer remedies required to be supplied by
76 boarding establishments.

77 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
78 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**
79 **be determined for periods of imprisonment in state adult correctional facilities and cannot be**
80 **determined for periods of commitment to the custody of the Department of Juvenile Justice.**