



ENACTMENT NEWS

Senate Bill 331

Sexual conduct with an animal – Cockfighting, bearbaiting

Effective March, 2017

On December 19, 2016 the Governor signed into law Senate Bill 331. Originally introduced to regulate the sale of dogs by pet stores and retailers, the bill received a number of amendments before passage during the lame duck session, several of which created or expanded criminal offenses pertaining to animals.

Sexual conduct with an animal

SB 331 prohibits engaging in sexual conduct (defined in the bill) with an animal. The bill also prohibits the possession, sale, or purchase of an animal with the intent that the animal be subjected to sexual conduct, as well as organizing, promoting, aiding, or abetting the conduct of an act involving sexual conduct with an animal. Law enforcement officers may seize and cause the animal(s) involved in the offense to be impounded. A violation is a second-degree misdemeanor, and the court may order the offender to forfeit the animal(s). If the court finds the offender suffers from a mental or emotional disorder, and that the disorder contributed to the commission of the offense, the court may require, as a community-control sanction or condition of probation, a psychological evaluation or counseling, with costs assigned to the offender.

Cockfighting and bearbaiting

Existing law prohibits engaging in or being employed at cockfighting, bearbaiting, or pitting an animal against another, receiving money for admission to a place kept for such a purpose, or using, training, or possessing any animal for seizing, detaining, or mistreating another animal.

SB 331 expands this prohibition to include the following activities with respect to an event involving cockfighting, bearbaiting, or pitting an animal against another:

- Wagering money or anything else of value on the results of the event
- Paying money or anything else of value in exchange for admission to the event
- Receiving money or anything else of value in exchange for another person's admission to the event
- Using or possessing a substance or device intended to enhance an animal's ability to fight or inflict injury on another animal
- Permitting or causing a minor to be present at the event if any other person at the event is engaged in any of the activities listed above.

A person who engages in cockfighting or bearbaiting is guilty of a felony of the fourth degree, while a person who engages in any of the activities listed above is guilty of an unclassified felony, and the court may impose a fine of up to \$10,000. Knowingly witnessing

cockfighting, bearbaiting, or an event in which animals are pitted against one another and any of the above-listed activities occur constitutes aiding and abetting, and is similarly an unclassified felony.