

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 394

Short Title: Dogfights/Gambling/Felony.

(Public)

Sponsors: Representatives Jarrell, Jeffus; Adams, Allred, Gardner, Goodwin, Hensley, Moore, Mosley, Watson, Wood, and Yongue.

Referred to: Judiciary I.

March 4, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE ORGANIZED DOGFIGHTING A FELONY.

3 The General Assembly of North Carolina enacts:

4 Section 1. Article 47 of Chapter 14 of the General Statutes is amended by
5 adding a new section to read:

6 **"§ 14-362.2. Organized dogfighting; penalty.**

7 (a) A person is guilty of a Class I felony if the person does any of the following:

8 (1) Instigates, promotes, conducts, engages in, or is employed in organized
9 dogfighting.

10 (2) Wagers money or anything of value on the result of such organized
11 dogfighting.

12 (3) Receives money for the admission of another person to a place kept for
13 organized dogfighting.

14 (4) Owens, possesses, or trains a dog, with the intent that the dog be used in
15 organized dogfighting.

16 (5) Allows property under the person's ownership or control to be used for
17 organized dogfighting.

18 (b) A person is guilty of a Class 2 misdemeanor if the person participates as a
19 spectator at an organized dogfight.

1 (c) A lease of property that is used or is intended to be used for organized
2 dogfighting is void, and a lessor who knows this use is made or is intended to be made of
3 the property is under a duty to evict the lessee immediately.

4 (d) The animal control officer as defined in G.S. 130A-184(1) shall confiscate any
5 dog that has been or is intended to be used in organized dogfighting.

6 (e) For purposes of this section, the terms 'organized dogfight' and 'organized
7 dogfighting' include any exhibition featuring the fighting or baiting of a dog."

8 Section 2. G.S.14-362.1 reads as rewritten:

9 "**§ 14-362.1. Animal fights, other than ~~cock fights~~, cockfights, dogfights, and animal**
10 **baiting.**

11 (a) A person who instigates, promotes, conducts, is employed at, provides an
12 animal for, allows property under his ownership or control to be used for, or profits from
13 an exhibition featuring the fighting or baiting of an animal, other than a ~~cock~~, cock or a
14 dog, is guilty of a Class 2 misdemeanor. A lease of property that is used or is intended to
15 be used for an exhibition featuring the fighting or baiting of an animal, other than a ~~cock~~,
16 cock or a dog, is void, and a lessor who knows this use is made or is intended to be made
17 of his property is under a duty to evict the lessee immediately.

18 (b) A person who owns, possesses, or trains an animal, other than a ~~cock~~, cock or a
19 dog, with the intent that the animal be used in an exhibition featuring the fighting or
20 baiting of that animal or any other animal is guilty of a Class 2 misdemeanor.

21 (c) A person who participates as a spectator at an exhibition featuring the fighting
22 or baiting of an animal, other than a ~~cock~~, cock or a dog, is guilty of a Class 2
23 misdemeanor.

24 (d) A person who commits an offense under subsection (a) within three years after
25 being convicted of an offense under this section is guilty of a Class I felony.

26 (e) This section does not prohibit the lawful taking or training of animals under the
27 jurisdiction and regulation of the Wildlife Resources Commission."

28 Section 3. G.S. 14-292 reads as rewritten:

29 "**§ 14-292. Gambling.**

30 ~~Except as provided in Part 2 of this Article, any~~ Any person or organization that operates
31 any game of chance or any person who plays at or bets on any game of chance at which
32 any money, property or other thing of value is bet, whether the same be in stake or not,
33 shall be guilty of a Class 2 ~~misdemeanor.~~ misdemeanor, except as provided in Part 2 of
34 this Article, or if the conduct prohibited by this provision is covered under some other
35 provision of law providing greater punishment."

36 Section 4. This act becomes effective December 1, 1997, and applies to
37 offenses committed on or after that date.