



SPONSOR: Sen. Bonini & Rep. Smyk

DELAWARE STATE SENATE  
151st GENERAL ASSEMBLY

SENATE SUBSTITUTE NO. 1  
FOR  
SENATE BILL NO. 331

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO ANIMAL FIGHTING AND BAITING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 1326, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1326. Animals; fighting and baiting prohibited; class E felony; class D felony.

(a) A person who owns, possesses, keeps, trains, or uses a bull, bear, dog, cock, or other animal or fowl for the purpose of fighting or baiting; ~~or a person who is a party to or who causes the fighting or baiting of a bull, bear, dog, cock, or other animal or fowl; or a person who rents or otherwise obtains the use of a building, shed, room, yard, ground, or premises for the purpose of fighting or baiting an animal or fowl;~~ or a person who knowingly suffers or permits the use of a building, shed, room, yard, ground, or premises belonging to the person, or that is under the person's control, for any of the purposes described in this section, is guilty of a class E felony.

(b) A person who is a party to or who causes the fighting or baiting of a bull, bear, dog, cock, or other animal or fowl; or a person who rents or otherwise obtains the use of a building, shed, room, yard, ground, or premises for the purpose of fighting or baiting an animal or fowl, is guilty of a class D felony.

~~(b)~~ (c) A person who is present at a building, shed, room, yard, ground, or premises where preparations are being made for an exhibition prohibited by subsection (a) of this section, and who knows that the exhibition is taking place or is about to take place, is guilty of a class F felony.

~~(c)~~ (d) A person who gambles on the outcome of an exhibition prohibited by subsection (a) of this section is guilty of a class F felony.

~~(d)~~ (e) All animals, equipment, devices, and money involved in a violation of this section must be forfeited to the State. Animals so forfeited must be evaluated by a duly incorporated society for the prevention of cruelty to animals, an authorized state agency, or a duly incorporated humane society in charge of animals for eligibility for adoption. After evaluation, animals may also be transferred to a rescue organization. Animals forfeited may be adopted to individuals other

22 than the convicted person or person dwelling in the same household, who conspired, aided or abetted in the unlawful act  
23 which was the basis of the conviction, or who knew or should have known of the unlawful act, or humanely disposed of  
24 according to the provisions of subchapter I of Chapter 30F of Title 16.

25 ~~(e)~~ (f) Prosecution for any offense under this section may not be commenced after 5 years from the commission of  
26 the offense.

27 ~~(f)~~ (g) A person convicted of a violation of this section is prohibited from owning or possessing any animal or fowl  
28 for 15 years after conviction.

29 ~~(g)~~ (h) A fine issued as a result of a violation of this section may not be suspended.

30 ~~(h)~~ (i) In addition to the penalties provided under this section, the court may require a person convicted of  
31 violating this section to attend and participate in an appropriate treatment program or to obtain appropriate psychiatric or  
32 psychological counseling, or both. The court may impose the costs of any treatment program or counseling upon the person  
33 convicted.

#### SYNOPSIS

This Act imposes an increased penalty for certain already illegal activity involving animal fighting by increasing the classification of felony for individuals engaging in the organization of animal fights or are directly involved in the act of carrying out or causing animal fighting by reclassifying this activity as a Class D felony.

Author: Senator Bonini