

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1700

SPONSOR: Senator Klein

SUBJECT: Fighting and Baiting Animals

DATE: April 7, 2000

REVISED: 04/11/00 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cellon</u>	<u>Cannon</u>	<u>CJ</u>	<u>Fav/1 amendment</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This bill creates the criminal offense of owning, possessing, keeping, training, promoting, transporting, purchasing, or selling any animal for the purpose of fighting or baiting.

This bill substantially amends the following section of the Florida Statutes: 828.122.

II. Present Situation:

The Current Law

Section 828.122, F.S., currently provides for third degree felony penalties in cases where a person is convicted of:

- Baiting, or using any animal for the purpose of fighting or baiting any other animal, or
- Knowingly owning, managing, or operating any facility kept or used for the purpose of fighting or baiting any animal, or
- Promoting, staging, advertising, or charging any admission fee to a fight or baiting between two or more animals.

Under this statute, baiting means to attack with violence, to provoke, or to harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fights with or among other animals. It also means the use of live animals in the training of racing greyhounds.

Subsection (4) of s. 828.122, F.S., provides for misdemeanor penalties in cases where a person is convicted of:

- Betting or wagering any money or other valuable consideration on the fighting or baiting of animals, or

- Attending the fighting or baiting of animals.

The statute exempts people engaged in certain acts from prosecution. These acts include:

- Simulating a fight for the purpose of using the simulated fight as part of a motion picture or television program, provided s. 828.12, F.S., related to animal cruelty, is not violated;
- Using animals to pursue or take wildlife or participating in any hunting activity regulated by the rules and regulations of the Fish and Wildlife Conservation Commission;
- Conducting a simulated bloodless bullfighting exhibition, which is punishable under s. 828.121, F.S.; and
- Using animals to hunt wild hogs or retrieve domestic hogs.

Practical Implications

Law enforcement and humane investigators are often frustrated in their efforts to stop illegal dog fights and cock fights because of the clandestine way in which they are organized and staged. It is not unusual for the fights to be moved to a different location in an effort to prohibit infiltration by law enforcement.

When law enforcement and humane investigators do infiltrate these fights, they report finding animals suffering from injuries, dying or already dead. Gambling is a cornerstone of these events. Undercover officers report it is not unusual to see \$5,000 to \$10,000 wagered on a single fight, not including the side-bets made by spectators who can be seen walking around with large sums of money. Children are reported to often be spectators. Dog fights are reported to last an average of an hour, and sometimes up to two hours. The fight ends when one dog is either unable or unwilling to continue. Cock fights usually result in the death of one of the birds, and can last from several minutes to a half-hour on the average, according to investigators.

A recent year-long investigation in the Jacksonville area uncovered a dog training operation which existed for the sole purpose of training dogs to fight and kill. A twenty-eight year veteran of law enforcement, who participated in the investigation, reports that the methods used to train the dogs (usually pit-bulls) are inhumane. Cats or chickens are tied to the end of a treadmill and used to bait the dog who is harnessed on the treadmill. The dog is forced to run, and does so to the point of exhaustion, trying to get to the animal with which he is being baited. The investigator reports that pets are sometimes stolen from citizens in the area and used to bait the fighting dogs. These pets can be obtained through “free to a good home” advertisements in the newspaper as well. At this particular training site, there was also a swim-tank, in which dogs were tethered to something in the bottom of the tank and forced to swim continuously or drown. The purpose of all of these training methods is to “brainwash the dog into being a killing machine,” to use the investigator’s words. The dogs are bred for one purpose only. An undercover officer reports watching as the pups are thrown together to see which ones will fight and which won’t. Those that don’t are reportedly killed on the spot.

The Jacksonville investigation culminated in 75 arrests at a staged event near Jessup, Georgia. There were people at the dog fight from seven different states. Seven fights had been scheduled.

The law enforcement officers raided the event in the middle of the second fight. One of the fighting dogs was so badly mutilated it had to be euthanized. Dogs participating in this event had been trained in Florida.

Cockfighting also occurs in Florida, at which the participants and spectators gamble on the outcome. Because it is illegal, the fights are held in secret, but the training and raising of the birds is not. Louisiana and New Mexico have not banned cockfighting, so the birds that are bred for fighting in Florida are sometimes sold for the purpose of fighting in those states, or fought there by the owner/breeder.

Two recent court cases originating in the Palm Beach and West Palm Beach areas bear these facts out. According to reports, in one case the owner of the fighting cocks admitted he was training the birds to fight, to be sold in other states. In the other case, investigators reportedly found more than 1,300 of the birds, a makeshift fighting ring, and one injured bird. The injured bird was reported to have been fitted with something called muffs on his legs and having his mouth taped to keep him from injuring the other birds he was forced to train with. Fighting cocks are usually fitted with razor-sharp steel blades ranging from one to three inches in length, or with something called a gaff which resembles a three-inch long ice pick, according to investigators. Neither case resulted in a guilty verdict, presumably because the men were not caught in the act of actually fighting the birds.

III. Effect of Proposed Changes:

The bill would provide for third degree felony penalties in cases where animals are owned, possessed, kept, trained, promoted, transported, bought, or sold for the purpose of fighting or baiting. As a result of the implementation of this bill, law enforcement would have another tool with which to stop the inhumane and illegal acts of fighting and baiting animals in Florida. The bill would aid law enforcement by providing a way to do something about the training of animals to fight. This would help to diminish the numbers of potentially dangerous dogs in the state, as well as provide a way to reduce the inhumane training practices reported by investigators.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Individuals who sell animals for the purpose of fighting could experience a negative impact or move their activity to another jurisdiction.

C. Government Sector Impact:

None noted.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Criminal Justice:
Defines the term fighting. (WITH TITLE AMENDMENT)

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
