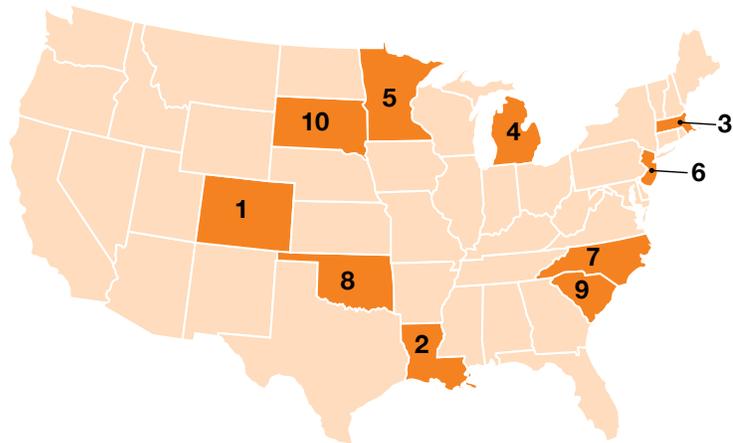


States that discriminate against dog-fighting victims



- 1** **State** Colorado **Statute number** C.R.S.A. § 18-9-204.5
Statute language (b) “Dangerous dog” means any dog that: (I) Inflicts bodily or serious bodily injury upon or causes the death of a person or domestic animal; or (II) Demonstrates tendencies that would cause a reasonable person to believe that the dog may inflict bodily or serious bodily injury upon or cause the death of any person or domestic animal; or (III) Engages in or is trained for animal fighting as described and prohibited in section 18-9-204.
- 2** **State** Louisiana **Statute number** LSA-R.S. 14:102.6(A)(2)
Statute language (2) The legislature finds and declares that fighting dogs used or employed in violation of R.S.14:102.5 are dangerous, vicious, and a threat to the health and safety of the public. Therefore, fighting dogs seized in accordance with this Section are declared to be contraband and, notwithstanding R.S. 14:102.1, the officer may cause them to be humanely euthanized as soon as possible by a licensed veterinarian or a qualified technician and shall not be civilly or criminally liable for so doing. Fighting dogs not destroyed immediately shall be disposed of in accordance with R.S. 14:102.2.
- 3** **State** Massachusetts **Statute number** M.G.L. Ch 272 section 91
Statute language Section 91. After seizure and removal of animals or property used or employed, or intended to be used or employed, in violation of section 94, application shall be made to a district court for a decree of forfeiture of the animals or property. If, after hearing on the application, notice thereof having been previously given as the court orders, it shall be found that the animals, at the time of seizure, were engaged, or were intended to be engaged, in fighting at an exhibition thereof or the animals were owned, possessed, kept, trained, bred, loaned, sold, exported or otherwise transferred in violation of section 94, such animals shall be adjudged forfeited and the court shall thereupon, unless an appeal is taken as provided in the following section, issue an order for killing them. The order shall be directed to any officer authorized to serve criminal process and the officer receiving such order shall cause the animals to be killed within 24 hours thereafter. Animals or property seized as hereinbefore provided, which are not adjudged forfeited, shall be delivered to the owner or person entitled to the possession thereof. Any person shall be allowed to appear as claimant in the proceeding upon the application for a decree of forfeiture.
- 4** **State** Michigan **Statute number** M.C.L.A. 750.49(16-18)
Statute language (16) An animal that has been used to fight in violation of this section or that is involved in a violation of subsections (8) to (14) shall be confiscated as contraband by a law enforcement officer and shall not be returned to the owner, trainer, or possessor of the animal. The animal shall be taken to a local humane society or other animal welfare agency. If an animal owner, trainer, or possessor is convicted of violating subsection (2) or subsections (8) to (14), the court shall award the animal involved in the violation to the local humane society or other animal welfare agency. (17) Upon receiving an animal confiscated under this section, or at any time thereafter, an appointed veterinarian, the humane society, or other animal welfare agency may humanely euthanize the animal if, in the opinion of that veterinarian, humane society, or other animal welfare agency, the animal is injured or diseased past recovery or the animal’s continued existence is inhumane so that euthanasia is necessary to relieve pain and suffering. (18) A humane society or other animal welfare agency that receives an animal under this section shall apply to the district court or municipal court for a hearing to determine whether the animal shall be humanely euthanized because of its lack of any useful purpose and the public safety threat it poses...Upon a finding by the court that the animal lacks any useful purpose and poses a threat to public safety, the humane society or other animal welfare agency shall humanely euthanize the animal.

- 5 State Minnesota Statute number** M.S.A. § 343.31 (4-5)
Statute language subd. 4: Animals described in subdivisions 2 and 3 are dangerous weapons and constitute an immediate danger to the safety of humans. A peace officer or animal control authority may remove, shelter, and care for an animal found in the circumstances described in subdivision 2 or 3. If necessary, a peace officer or animal control authority may deliver the animal to another person to be sheltered and cared for. Subd. 5. Disposition. (a) An animal taken into custody under subdivision 4 may be humanely disposed of at the discretion of the jurisdiction having custody of the animal ten days after the animal is taken into custody, if the procedures in paragraph (c) are followed.
- 6 State New Jersey Statute number** N.J.S.A. 4:19-22, N.J.S.A. 4:19-23, and N.J.S.A. 4:19-19
Statute language 4:22-26.1: 1. An officer or agent of the New Jersey Society for the Prevention of Cruelty Animals, or a certified animal control officer, may petition a court of competent jurisdiction to have any animal to confiscated and forfeited that is owned or possessed by a person at the time the person is found to be guilty of violating R.S.4:22-17, R.S.4:22-18, R.S.4:22-19, R.S.4:22-20 or R.S.4:22-23. Upon a finding that the continued possession by that person poses a threat to the animal's welfare, the court may, in addition to any other penalty that may be imposed for a violation of R.S.4:22-17, R.S.4:22-18, R.S.4:22-19, R.S.4:22-20 or R.S.4:22-23, adjudge an animal forfeited for such disposition as the court deems appropriate. a. The municipal court shall declare the dog vicious if it finds by clear and convincing evidence that the dog: (1) killed a person or caused serious bodily injury as defined in N.J.S. 2C:11-1(b) to a person; or (2) has engaged in dog fighting activities as described in R.S. 4:22-24 and R.S. 4:22-26.; N.J.S.A. 4:19-23: a. The municipal court shall declare a dog to be potentially dangerous if it finds by clear and convincing evidence that the dog: . . . (3) has been trained, tormented, badgered, baited or encouraged to engage in unprovoked attacks upon persons or domestic animals; N.J.S.A. 4:19-19: The dog shall be impounded until the final disposition as to whether the dog is vicious or potentially dangerous. Subject to the approval of the municipal health officer, the dog may be impounded in a facility or other structure agreeable to the owner.
- 7 State North Carolina Statute number** N.C. ST Chapter 14 Article 47 § 14-363.2 & § 67-4.1
Statute language 14-363.2 Conviction of any offense contained in this Article may result in confiscation of cruelly treated animals belonging to the accused and it shall be proper for the court in its discretion to order a final determination of the custody of the confiscated animals. 67-4.1: "Dangerous dog" means . . . (b. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.
- 8 State Oklahoma Statute number** 21 Okl.St.Ann. § 1699
Statute language §21-1699. Seizure, destruction or forfeiture of dogfighting equipment and facilities. Following the conviction of a person for the offense of keeping a place for fighting dogs, providing facilities for fighting dogs, performing services in the furtherance of dogfighting, training, owning, possessing, handling fighting dogs, the court entering the judgment shall order that the machine, device, gambling equipment, training or handling instruments or equipment, transportation equipment, concession equipment, dogfighting equipment and instruments, and fighting dogs used in violation of this act be destroyed or forfeited to the state. Added by Laws 1982, c. 184, § 7, emerg. eff. April 20, 1982. ["Fighting dog" includes any dog trained, being trained, intended to be used for training, or intended to be used to attack, bite, wound or worry another dog.]
- 9 State South Carolina Statute number** SC ST 43-3-710
Statute language (A) As used in this article "dangerous animal" means an animal of the canine or feline family: . . . (3) which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting . . . (C) An animal is not a "dangerous animal" solely by virtue of its breed or species.
- 10 State South Dakota Statute number** SDCL § 40-1-11.1 Seizure of fighting animals and related paraphernalia--Disposition.
Statute language Any law enforcement officer making an arrest for a violation of § 40-1-10.1 shall take possession of all dogs and all paraphernalia, implements, or other property or things used or employed, or about to be employed, in the violation of any of the provisions of § 40-1-10.1. The provisions of chapters 23A-35 and 23A-37 shall apply to the search and seizure of violations of § 40-1-10.1 and shall apply to the disposition of seized paraphernalia, implements, or other property or things used or employed, or about to be employed, in violation of § 40-1-10.1. For the purposes of this section, dogs seized pursuant to a violation of § 40-1-10.1 are contraband and property of an illegal nature and shall be destroyed pursuant to § 23A-37-9. [23A-37-9. Destruction of contraband and illegal property—Sale of articles capable of lawful use—Controlled weapons or firearms. Articles of contraband or property of an illegal nature shall be destroyed, except that any articles which are capable of lawful use may in the discretion of the court be sold and the proceeds disposed of as provided in § 23A-37-10. However, the provisions of § 23A-37-13 apply to any controlled weapon or firearm.]