

CHAPTER 295
HB 605-FN - FINAL VERSION

05/30/2019 1953s
27Jun2019... 2638-EBA

2019 SESSION

19-0653
08/04

HOUSE BILL **605-FN**

AN ACT relative to criminal penalties for possession, transfer, or manufacture of animal fighting paraphernalia with the intent to be present at, aid in, or contribute to such fighting.

SPONSORS: Rep. Rogers, Merr. 28; Rep. Horrigan, Straf. 6; Rep. Burroughs, Carr. 1; Rep. Read, Rock. 17; Rep. Schultz, Merr. 18; Rep. Marsh, Carr. 8; Rep. Baldasaro, Rock. 5; Sen. Bradley, Dist 3

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill creates criminal penalties for possession, transfer, or manufacture of animal fighting paraphernalia with the intent to be present at, aid in, or contribute to such fighting.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT relative to criminal penalties for possession, transfer, or manufacture of animal fighting paraphernalia with the intent to be present at, aid in, or contribute to such fighting.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 295:1 Exhibitions of Fighting Animals; Sale or Transfer Prohibited. Amend RSA 644:8-a, I to
2 read as follows:

3 I. No person shall ***offer for sale, sell, loan, export***, keep, breed, or train any bird, dog, or
4 other animal, with the intent that it or its offspring shall be engaged or used in an exhibition of
5 fighting, or shall establish or promote an exhibition of the fighting thereof. Whoever violates the
6 provisions of this paragraph shall be guilty of a class B felony.

7 295:2 Exhibitions of Fighting Animals; Paraphernalia and Assistance Prohibited. Amend RSA
8 644:8-a, III-V to read as follows:

9 III.(a) ***Any person who possesses, owns, buys, sells, transfers, or manufactures***
10 ***animal fighting paraphernalia with the intent to engage in or otherwise promote or***
11 ***facilitate such fighting shall be guilty of a class B felony.***

12 (b) ***For purposes of this section, "animal fighting paraphernalia" means***
13 ***equipment, products, implements, and materials of any kind that are used, intended for***
14 ***use, or designed for use in the training, preparation, conditioning, or furtherance of***
15 ***animal fighting, and includes, but is not limited to, the following: breaking sticks, cat***
16 ***mills, fighting pits, springpoles, unprescribed anabolic steroids, unprescribed anti-***
17 ***inflammatory steroids, unprescribed antibiotics, treatment supplies or gaffs, slashers,***
18 ***heels, or any other sharp implement designed to be attached in place of the natural spur of***
19 ***a cock or game fowl.***

20 (c) ***In determining whether an object is animal fighting paraphernalia, the***
21 ***court shall consider any prior convictions under federal or state law relating to animal***
22 ***fighting, the proximity of the object in time and space to the direct violation of this section,***
23 ***direct or circumstantial evidence of the intent of the accused to deliver the object to***
24 ***persons whom he or she knows or should reasonably know intend to use the object to***
25 ***facilitate a violation of this section, oral or written instructions provided with or in the***
26 ***vicinity of the object concerning its use, descriptive materials accompanying the object***
27 ***which explain or depict its use, and all other logically relevant factors.***

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1 **IV.** All animals so kept, bred, or trained by a person charged with violating the provisions of
2 paragraph I may be seized by the arresting officer, pursuant to RSA 595-A:6 and RSA 644:8. Upon
3 said person's conviction, said animals may, at the discretion of the court, be destroyed in a humane
4 manner by a licensed veterinarian. The costs, if any, incurred in boarding the animals, pending
5 disposition of the case, and in disposing of the animals, upon a conviction of said person for violating
6 paragraph I, shall be borne by the person so convicted.

7 ~~[IV.]~~ **V.** Upon conviction of a violation of this section, all animals used or to be used in
8 training, fighting, or baiting, and all equipment, paraphernalia, and money involved in a violation of
9 this section may be forfeited to the state at the discretion of the court, pursuant to RSA 595-A:6.
10 Proceeds of any such forfeiture shall be used to reimburse local government and state agencies for
11 the costs of prosecution of animal fighting cases. Proceeds which are not needed for such
12 reimbursement shall be deposited in the companion animal neutering fund, established in RSA 437-
13 A:4-a.

14 ~~[V.]~~ **VI.** In addition to other penalties prescribed by law, ~~[the court may issue an order~~
15 ~~prohibiting a person who is convicted of a violation of this section from owning or possessing any~~
16 ~~animals within the species that is the subject of the conviction, or any animals kept for the purpose~~
17 ~~of training, fighting, or baiting, for a period of time determined by the court.]~~ ***the court shall issue***
18 ***an order prohibiting or limiting a person who is convicted of a violation of this section***
19 ***from owning or possessing any animals for a period not less than 5 years, and may add***
20 ***other reasonable restrictions on future ownership or possession of animals as necessary for***
21 ***the protection of the animals. Any animal involved in a violation of a court order***
22 ***prohibiting or limiting ownership or possession of animals shall be subject to immediate***
23 ***forfeiture. Any person violating such order may, in addition to being held in criminal***
24 ***contempt of court or subject to a probation violation, be fined in the amount of \$1,000 in***
25 ***any court of competent jurisdiction for each animal held in unlawful ownership or***
26 ***possession. For purposes of this section, a reasonable restriction on future ownership or***
27 ***possession may include limiting a person from engaging in any employment in the care of***
28 ***animals or other similar contact as the court sees fit.***

29 295:3 Effective Date. This act shall take effect 90 days after its passage.

Approved: July 29, 2019
Effective Date: October 27, 2019