

SUBJECT: Increasing penalties for watching or causing a dog fight for profit

COMMITTEE: Criminal Jurisprudence —favorable, without amendment

VOTE: 7 ayes — Peña, Vaught, Escobar, Hodge, Mallory Caraway, Pierson, Talton

0 nays

2 absent — Riddle, Moreno

WITNESSES: For — Robert Rodriguez, Cameron County Sheriff's Office; Angela Weltin, Harris County District Attorney's Office; (*Registered, but did not testify*: Abbas Asgharian; Nilnofar Asgharian; Brenda Billings; Ed Daniels; Jeanne Daniels; Patricia Fiore; Beverly Gainer; Delwin Goss; Alejandro Gutierrez, Jr.; Jennifer Hayes, Pet Prevent a Litter; Susan Hendrix, Texas Humane Legislative Network; Susan Hightower; Laura Jackson; Willie McDaniel, Dallas Animal Services; Laural Ponell, Upper Valley Humane Society; Jay Sabatucci, The Humane Society of the U.S.; Ana Salinas; Robert Trimble, City of Dallas Animal Shelter Comm.; John Paul Urban, Harris County; Betty Wade, Texas Animal Control Association; Lucy Wendt; Tracey Whitley

Against — Nicole Porter, ACLU of Texas

BACKGROUND: Under Penal Code, sec. 42.10(a), people commit the offense of dog fighting if they intentionally or knowingly:

- cause a dog to fight with another dog;
- for a pecuniary benefit cause a dog to fight with another dog;
- participate in the earnings of or operate a facility used for dog fighting
- use or permit another to use any real estate, building, room, tent, arena, or other property for dog fighting;
- own or train a dog with the intent that the dog be used in an exhibition of dog fighting; or
- attend as a spectator an exhibition of dog fighting.

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Under sec. 42.10(e), causing a dog to fight with another dog or owning or training a dog with the intent that the dog be used in an exhibition of dog fighting is a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000).

Causing a dog to fight another dog for profit, participating in the earnings of or operating a facility used for dog fighting, or using or permitting another to use any real estate, building, room, tent, arena, or other property for dog fighting is a state-jail felony (180 days to two years in a state jail and an optional fine of up to \$10,000).

Attending a dog fight as a spectator is a class C misdemeanor (maximum fine of \$500).

DIGEST:

HB 916 would increase the penalty for attending a dog fight as spectator from a class C misdemeanor to a class A misdemeanor and would increase the penalty for causing a dog to fight another dog from a class A misdemeanor to a state jail felony.

HB 916 would take effect on September 1, 2007, and would apply only to an offense committed on or after that date.

**SUPPORTERS
SAY:**

HB 916 would address the rise in incidents of dog fighting by targeting those who attend these fights and thus the economic demand for these cruel spectacles. Law enforcement officials report that incidents of dog fighting are on the rise because apprehension and punishments are rare. Current law is not harsh enough on spectators, who often attend dog fights to gamble or for access to alcohol or drugs. Currently, if the district attorney has the resources and the time to prosecute, spectators can be punished with at most a \$500 fine. HB 916 would aim to dry up the market by subjecting those who demand dog fights to more serious penalties. The bill also would target the supply side by increasing the penalty for those who caused a dog to fight another dog from a class A misdemeanor to state jail felony.

**OPPONENTS
SAY:**

HB 916 is not necessary. The activities covered by HB 916 already are illegal under animal cruelty and dog-fighting laws, and current law provides serious punishments. If the goal of HB 916 is to target those who attend dog fights, then those people should be charged with gambling, alcohol violations, or other existing laws. Texas cannot afford to increase

criminal penalties. The criminal justice system is operating at capacity and any available space should be reserved for violent offenders.