

Act 528 of the 1989 Regular Session.

Act 528

HB1391

By: Representatives Hutchinson, Allen, Glover, Hinshaw, Jones,
S. Miller, Mahony, Watts, and O. Miller

"AN ACT TO AMEND ARKANSAS CODE 1987 ANNOTATED 5-62-120 TO
PROVIDE FOR SEIZURE AND FORFEITURE OF ANY DOG UTILIZED IN
UNLAWFUL DOG FIGHTING; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 1987 Annotated 5-62-120 is amended to read as follows:

"5-62-120. Unlawful dog fighting.

(a) A person commits the offense of unlawful dog fighting in the first degree if he knowingly:

(1) Promotes, engages in, or is employed at dog fighting; or

(2) Receives money for the admission of another person to a place kept for dog fighting; or

(3) Sells, purchases, possesses, or trains a dog for dog fighting.

(b) Unlawful dog fighting in the first degree is a Class D felony.

(c) A person commits the offense of unlawful dog fighting in the second degree if he knowingly:

(1) Purchases a ticket of admission to or is present at a dog fight; or

(2) Witnesses a dog fight if it is presented as a public spectacle.

(d) Unlawful dog fighting in the second degree is a Class A misdemeanor.

(e) Upon the arrest of any person for violating the provisions of this act, the arresting law enforcement officer or animal control officer shall have the authority to seize and take custody of all dogs in the possession of the arrested person.

(f) Upon the conviction of any person for violating the provisions of this act, any court of competent jurisdiction shall have the authority to order the forfeiture by the convicted person of all dogs the use of which was the basis of the conviction. Any dogs ordered forfeited under the provisions of this subsection shall be placed in the custody of a society which is incorporated for the prevention of cruelty to animals, or an animal control agency.

(g) In addition to the fines, penalties, and forfeitures imposed under the provisions of this act, the court may require the defendant to make restitution to the state, any of its political subdivisions, or a society which is incorporated for the prevention of cruelty to animals for housing, feeding, or providing medical treatment to dogs used for unlawful dog fighting."

SECTION 2. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this act are hereby repealed.

APPROVED: March 14, 1989
