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DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 198

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO ANIMAL FIGHTING.

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

Section 1. Amend § 1326, Title 11, of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1326. Animals; fighting and baiting prohibited; class E felony.

(a) A person who owns, possesses, keeps, trains, or uses a bull, bear, dog, cock, or other animal or fowl for the purpose of fighting or baiting; or a person who is a party to or who causes the fighting or baiting of a bull, bear, dog, cock, or other animal or fowl; or a person who rents or otherwise obtains the use of a building, shed, room, yard, ground, or premises for the purpose of fighting or baiting an animal or fowl; or a person who knowingly suffers or permits the use of a building, shed, room, yard, ground, or premises belonging to the person, or that is under the person's control, for any of the purposes described in this section; or a person who knowingly possesses, owns, buys, sells, transfers, or manufactures animal fighting paraphernalia with the intent to engage in or otherwise promote or facilitate such fighting, is guilty of a class E felony.

(i) "Animal fighting paraphernalia" means equipment, products, implements, and materials of any kind that are used, intended for use, or designed for use in the training, preparation, conditioning, or furtherance of animal fighting, and includes, but is not limited to, the following: breaking sticks, cat mills, treadmills, slat mills, isolation huts, fighting pits, spring poles, unprescribed anabolic steroids, unprescribed anti-inflammatory steroids, unprescribed antibiotics, treatment supplies or gaffs, slashers, heels, or any other sharp implement designed to be attached in place of the natural spur of a cock or game fowl. In determining whether an object is animal fighting paraphernalia, the court may consider:

(1) Any prior convictions under federal or state law relating to animal fighting.

(2) The proximity of the object in time and space to the direct violation of this section.

(3) Direct or circumstantial evidence of the intent of the accused to deliver the object to persons whom he or she knows or should reasonably know intends to use the object to facilitate a violation of this section.

- 22 (4) Oral or written instructions provided with or in the vicinity of the object concerning its use.
- 23 (5) Descriptive materials accompanying the object which explain or depict its use.
- 24 (6) All other relevant factors.

SYNOPSIS

This Act revises existing animal cruelty laws to include people who knowingly possess, own, buy, sell, transfer, or manufacture animal fighting paraphernalia with the intent to engage in or otherwise promote or facilitate such fighting as guilty of a class E felony.

This Act defines “animal fighting paraphernalia” and creates a list of considerations a court may use when assessing whether an item or object qualifies as animal fighting paraphernalia.

Author: Senator Hansen