



- The bill requires the proceeds collected from the sale of confiscated property and forfeited cash to be used to pay the expenses of sheltering and euthanizing impounded animals. The bill further requires that any remaining amounts be used for educational programs to dissuade individuals from participating in cockfighting or dogfighting.

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## *Detailed Fiscal Analysis*

### **Background**

The bill increases the penalties for animal fighting, including dogfighting and cockfighting. Under current law, animal fighting, which includes cockfighting, is a misdemeanor of the fourth degree. Both county dog wardens and local police are permitted to investigate any claims of dogfighting or cockfighting. The bill increases the penalty to a felony of the fourth degree, which carries a penalty of between 6-18 months in prison and a fine of \$5,000. With respect to dogfighting, current law makes a first offense a felony of the fourth degree and a felony of the third degree for each subsequent offense. The bill changes this so that the penalty for this offense is always a felony of the third degree. A third-degree felony carries a penalty of between one and five years in prison and a fine of \$10,000.

In addition to the penalty enhancements above, the bill also provides that if any equipment, devices, or other items involved in such offenses are confiscated, forfeited, and sold or if any cash is confiscated and forfeited, the proceeds from the sale and the cash is to be used to pay the costs incurred by the impounding animal shelter in caring for or euthanizing dogs or roosters involved in these offenses. Courts are required to order that any remaining proceeds and any cash after those costs are paid be used for educational purposes designed to eliminate cockfighting and dogfighting.

### **Impact on county courts and animal shelters**

The enhancement of penalties for dogfighting and cockfighting could potentially lead to more cases being determined by jury trial than through plea-bargaining. This could potentially result in increased court costs for counties. However, some of these additional costs could be offset by the additional revenue received through the increase in fines levied for the enhanced penalties. With a greater chance for a higher number of jury trials, county animal shelters may have to house impounded animals longer if these cases take longer to reach an outcome. The costs of housing these animals longer could be offset by the proceeds of confiscated property and forfeited cash.

Ultimately, the fiscal impact of the bill will depend on the number of dogfighting and cockfighting cases that arise. According to Franklin County Clerk of Courts' records, there were four cases of animal fighting in 2006. According to the Attorney General's web site, the Humane Society of the United States reports that in calendar year 2007 there were 12 cases of animal fighting statewide, in which there were 56 arrests and 101 roosters and 149 dogs seized. Property and/or cash was seized in five of these cases.

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