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ANIMAL BAITING AND CONTROL
FEDERAL AND STATE PROGRAMS

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INTRODUCTION

The baiting and fighting of animals, be they bulls, bears, dogs, or cocks, is not a new phenomenon in this country, nor are the attempts to make such activities unlawful the result of recent indignation alone. Response to the staging of such events has taken three basic forms: 1) Specific legal prohibition aimed at stamping out a practice considered either distasteful, immoral, or a nuisance; 2) general animal cruelty provisions enacted into law which may or may not be held applicable to baiting and fighting of any or all animals, and which may or may not be enforced against those involved in such activities; 3) the absence of statutory restraints due either to open acceptance of animal baiting and fighting as a harmless activity or due to lack of concern over the matter. Most states today have enacted some form of restrictive statute in this regard. While some of these provisions make unlawful the conduct of such an event alone, others include within the prohibition the providing of the place for such activities, the attendance either as promoter or spectator at these affairs, as well as the placing of wagers in this connection. It should be noted that the absence of specific legislation regarding a baiting or fighting event will not mean that the enterprise is lawful. Commonly one aspect, if not the "raison d'etre" of such entertainment is the attendant gambling which takes place. Indeed, it is this gambling and the fear that organized criminal elements have found profit in these ventures that has frightened many jurisdictions into the passage of strong laws. The organized

promotion of such fights between dogs, for example, has of late become big business in several parts of the country and has received substantial coverage by the news media. Cockfighting also presents opportunities for sophisticated gambling operations. Thus the attraction of the criminal element to a locality may in some measure have replaced the traditional objections to fighting and baiting, namely: a) needless animal suffering, and b) the demoralization of human beings.

The statutes compiled in this survey, both federal and state, are those which either address the practice of animal baiting and fighting directly or through an animal cruelty statute phrased in terms sufficient to allow application of the prohibition to such practices. Not covered are gambling statutes or statutes providing for seizure or forfeiture of items or animals involved in an illegal enterprise. It must be remembered that where a given jurisdiction has only a general animal cruelty statute, it will be necessary to consult local case law to determine whether the courts have interpreted that law to apply in the case of baiting or fighting. Finally, even where statutory prohibitions have been demonstrated to apply, local enforcement practices will also be of importance to an assessment of the extent to which such events have been curtailed.

FEDERAL LAW

On April 22, 1976 President Ford signed into law Public Law 94-279 (90 Stat. 417, 7 U.S.C. 2131 et seq.) entitled "Animal Welfare Act Amendments of 1976" which thus became the first federal statute to speak directly to the issue of animal fighting. The relevant sections of that law provide as follows:

Sec. 17. Such Act [the Animal Welfare Act of 1966] is amended by adding at the end thereof the following new section:

Sec. 26. (a) It shall be unlawful for any person to knowingly sponsor or exhibit an animal in any animal fighting venture to which any animal was moved in interstate or foreign commerce. (emphasis supplied)

(b) It shall be unlawful for any person to knowingly sell, buy, transport, or deliver to another person or receive from another person for purposes of transportation, in interstate or foreign commerce, any dog or other animal for purposes of having the dog or other animal participate in an animal fighting venture. (emphasis supplied)

(c) It shall be unlawful for any person to knowingly use the mail service of the United States Postal Service or any interstate instrumentality for purposes of promoting or in any other manner furthering an animal fighting venture except as performed outside the limits of the States of the United States. (emphasis supplied)

(d) Notwithstanding the provisions of subsections (a), (b), or (c) of this section, the activities prohibited by such sections shall be unlawful with respect to fighting ventures involving live birds only if the fight is to take place in a state where it would be a violation of the laws thereof. (emphasis supplied)

(e) Any person who violates subsections (a), (b), or (c) shall be fined not more than \$5000 or imprisoned for not more than 1 year, or both, for each violation.

Procedures for investigation, seizure, treatment of animals in custody, and recovery of costs are also provided for in the new law:

(f) The Secretary [of Agriculture] or any other person authorized by him shall make such investigations as the Secretary deems necessary to determine whether any person has violated or is violating any provision of this section, and the Secretary may obtain the assistance of the Federal Bureau of Investigation, the Department of the Treasury, or other law enforcement agencies of the United States, and state and local governmental agencies, in the conduct of such investigations, under cooperative agreements with such agencies. A warrant to search for and seize any animal which there is probable cause to believe was involved in any violation of this section may be issued by any judge of the United States or of a State court of record or by a United States magistrate within the district wherein the animal sought is located. Any United States marshal or any person authorized under this section to conduct investigations may apply for and execute any such warrant, and any animal seized under such a warrant shall be held by the United States marshal or other authorized person pending disposition thereof by the court in accordance with this paragraph (f). Necessary care including veterinary treatment shall be provided while the animals are so held in custody. Any animal involved in any violation of this section shall be liable to be proceeded against and forfeited to the United States at any time on complaint filed in any United States district court or other court of the United States for any jurisdiction in which the animal is found and upon a judgment of forfeiture shall be disposed of by sale for lawful purposes or by other humane means, as the court may direct. Costs incurred by the United States for care of animals seized and forfeited under this section shall be recoverable from the owner of the animals if he appears in such forfeiture proceeding or in a separate civil action brought in the jurisdiction in which the owner is found, resides, or transacts business.

The new law includes definitions applicable to these provisions:

- (g) For purposes of this section--
- (1) the term "animal fighting venture" means any event which involves a fight between at least two animals and is conducted for purposes of sport, wagering, or entertainment except that the term "animal fighting venture" shall not be deemed to include any activity the primary purpose of which involves the use of one or more animals in hunting another animal or animals, such as waterfowl, bird, raccoon, or fox hunting;

(2) the term "interstate or foreign commerce" means--

(A) any movement between any place in a State to any place in another State or between places in the same State through another State; or

(B) any movement from a foreign country into any State;

(3) the term "interstate instrumentality" means telegraph, telephone, radio, or television operating in interstate or foreign commerce;

(4) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States;

(5) the term "animal" means any live bird, or any live dog or other mammal, except man; and [emphasis supplied]

(6) the conduct by any person of any activity prohibited by this section shall not render such person subject to the other sections of this Act as a dealer, exhibitor, or otherwise.

The preemptive nature of the law is set out in section (h) which provides:

(1) The provisions of this Act shall not supersede or otherwise invalidate any such State, local or municipal legislation or ordinance relating to animal fighting ventures except in case of a direct and irreconcilable conflict between any requirements thereunder and this Act or any rule, regulation or standard hereunder.

The House Report accompanying H.R. 5808 (the proposal from which the animal fighting sections were adopted) includes some background on this piece of legislation which may be instructive:

Dog fighting, a minor problem prior to World War II, has unfortunately grown and prospered to the point that Regional Conventions are held which attract fighting dogs and "dog fanciers" from numerous states. They frequently are advertised in dog fighting magazines of nationwide circulation. In addition [to] the "sporting element" of these enterprises, there apparently has grown up also a sort of traveling circus in which vans will travel from state to state and set up for brief periods offering patrons the opportunity to witness and gamble upon a series of dog fights and to indulge at the same time questionable and criminal activities.

Dog fighting itself is a grisly business in which two dogs either trained specifically for the purpose or maddened by drugs and abuse are set upon one another and required to fight, usually to the death of at least one and frequently both animals. The testimony indicated that a fight between two trained dogs would often continue for over an hour and that the dogs would literally chew out each others' eyes and break or chew off each others' feet and legs, bloodying each other extensively, all to the cheers and goading of handlers and on-lookers. In the training of fighting dogs, live animals, such as cats and sometimes even untrained dogs, are used as bait to instill or enhance the fighting dog's taste for blood and, in some instances, to give it practice in killing other animals.

The Committee considers the practice of dog fighting, and setting of one dog upon another or upon other animals as bait, etc., in the training of dogs for fighting to be dehumanizing, abhorrent, and utterly without redeeming social value. It may, of course, not be possible to completely eliminate these practices. However, it is hoped that Federal legislation will complement local law enforcement which without such assistance, cannot successfully cope with this essentially interstate problem. It is expected that all Federal agencies, such as the F.B.I., the Treasury Department, etc., will lend every assistance to the Department of Agriculture in effectuating the purpose of this legislation. (H.R. Rep. No. 801, 94th Cong., 2d Sess. 9, 10 (1976))

The requirement of the statute that animals used must have traveled interstate and the section limiting application of the Act in the case of birds (e.g. cockfighting) to jurisdictions which have already outlawed such practices, make it necessary to consult state law in order to make a final determination as to the legality of specific conduct. (See italicized portions of the statute, supra).

STATE LAW

ALABAMA

Ala. Code tit. 14, §96 (1958)

Keeping cockpit; cock fighting ----

Any person who keeps a cockpit, or who in any public place fights cocks shall, on conviction, be fined not less than twenty nor more than fifty dollars.

Ala. Code tit. 3§ 11 (1958)

Cruelty to Animals

Any person, who overrides, overdrives, overloads, drives when overloaded, tortures, torments, deprives of necessary sustenance cruelly beats, mutilates, or cruelly kills, or causes or procures to be overridden, overdriven, driven when overloaded, tortured, tormented, deprived of necessary sustenance, cruelly beaten, mutilated, or cruelly killed, any animal, and whoever, having the charge or custody of such animal, either as owner or otherwise, inflicts unnecessary cruelty upon the same, or fails to provide the same with proper food, drink, or protection from the weather, or cruelly drives the same when unfit for labor, must, on conviction, be fined not more than fifty dollars; but this section shall not be construed as prohibiting the dehorning of cattle.

ALASKA

Alaska Stat. §11.40.520 (1970)

Fighting or baiting animals or creatures and related offenses.

A person who 1) keeps, uses, is connected with or interested in the management of, or receives money for the admission of a person to a place kept or used for the purpose of fighting or baiting a live animal or creature; or 2) is present and witnesses, encourages or assists in fighting or baiting a live animal or creature; or 3) permits or suffers a place owned or controlled by him to be so used, is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$500, or by imprisonment in jail for not more than six months, or by both.

ARIZONA

Ariz. Rev. Stat. Ann. §13-951 (Supp. 1973)

Cruelty, Abandonment of Animals; Penalty; Procedure for Custody; disposition.

A person is guilty of a misdemeanor who:

1. Maliciously kills, maims or wounds an animal which is the property of another, or who, having charge or custody of an animal as owner or otherwise, overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, drink or shelter, cruelly beats, mutilates or cruelly kills an animal, or subjects an animal to needless suffering, or inflicts unnecessary cruelty upon the animal, or in any manner abuses an animal, or who cruelly drives, rides or otherwise uses the animal when unfit for labor.

* * *

ARKANSAS

Ark. Stat. Ann. §41-2918 (Crim. Code Effective Jan. 1, 1976)

Cruelty to Animals. -- (1) A person commits the offense of cruelty to animals if, except as authorized by law, he knowingly:

- (a) subjects any animal to cruel mistreatment; or
- (b) subjects any animal in his custody to cruel neglect; or
- (c) kills or injures any animal belonging to another person without legal privilege or consent of the owner.

2. Cruelty to animals in a class A misdemeanor.

Ark. Stat. Ann. §41-2962 (Crim. Code Effective January 1, 1976)

Cruelty to Animals - Definitions of Terms. -- In this act, any and every law of this State passed or which may be passed, relating to or affecting animals, the singular shall include the plural; the word "animal" or "dumb animal" shall be held to include every living creature; the words "torture," "torment" or "cruelty" shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted; and the words "owner" and "person" shall be held to include corporations as well as individuals; but nothing in this act shall be construed as prohibiting the shooting of birds or other game for the purpose of human food.

CALIFORNIA

Cal. Penal Code §597b (West Supp. 1976)

Fighting animals or birds; prohibition; aiders and abettors; spectators.

Any person who, for amusement or gain, causes any bull, bear, cock or other animal, not including any dog, to fight with like kind of animals or creature, or causes any such animal, including any dog, to fight with a different kind of animal or creature, or with any human being; or who, for amusement or gain, worries or injures any such bull, bear, cock, dog, or other animal, or causes any such bull, bear, cock, or other animal, not including any dog, to worry or injure each other; and any person who permits the same to be done on any premises under his charge or control; and any person who aids, abets, or is present at such fighting or worrying of such animal or creature, as a spectator, is guilty of a misdemeanor.

Cal. Penal Code §597c (West Supp. 1976)

Fighting animals or birds; possession; training; preparations; inapplicability to dogs.

Whoever owns, possesses, keeps or trains any bird or animal, with the intent that such bird or animal shall be engaged in an exhibition of fighting, or is present at any place, building or tenement, where preparations are being made for an exhibition of the fighting of birds or animals, with the intent to be present at such exhibition, or is present at such exhibition, is guilty of a misdemeanor. This section shall not apply to an exhibition of fighting of a dog with another dog.

Cal. Penal Code §597J (West Supp. 1976)

Cock; possession with intent to use for fighting; evidence

Any person who owns, possesses or keeps any cock with the intent that such cock shall be used or engaged by himself or by his vendee or by any other person in an exhibition of fighting is guilty of a misdemeanor. The fact that a mature cock's comb has been clipped to a length of three quarters of one inch or less shall be prima facie evidence of intention to use or engage such cock in an exhibition of fighting.

Cal. Penal Code §597.5 (West Supp 1976)

Fighting dogs; prohibition; felony; misdemeanor; punishment; spectators; exceptions.

(a) Any person who does any of the following is guilty of a felony and is punishable by imprisonment in a state prison not to exceed one year and one day, or imprisonment in a county jail not to exceed one year, or by fine not to exceed fifty thousand dollars (\$50,000), or by both such fine and imprisonment:

(1) Owns, possesses, keeps, or trains any dog with the intent that such dog shall be engaged in an exhibition of fighting with another dog.

(2) For amusement or gain, causes any dog to fight with another dog, or causes any dogs to injure each other.

(3) Permits any act in violation of paragraph (1) or (2) to be done on any premises under his charge or control, or aids or abets any such act.

(b) Any person who is knowingly present, as a spectator, at any place, building, or tenement where preparations are being made for an exhibition of the fighting of dogs, with the intent to be present at such preparations, or is knowingly present at such exhibition or at any other fighting or injuring as described in paragraph (2) of subdivision (a), with the intent to be present at such exhibition, fighting, or injuring, is guilty of a misdemeanor.

(c) Nothing in this section shall prohibit any of the following:

(1) The use of dogs in the management of livestock, as defined by section 14205 of the Food and Agricultural Code, by the owner of such livestock or his employees or agents or other persons in lawful custody thereof.

(2) The use of dogs in hunting as permitted by the Fish and Game Code including, but not limited to, Sections 3286, 3509, 3510, 4002, and 4756, and by the rules and regulations of the Fish and Game Commission.

(3) The training of dogs or the use of equipment in the training of dogs for any purpose not prohibited by law.

COLORADO

Colo. Rev. Stat. Ann. §18-9-204 (1973)

Killing Animals in Contest. (1) It is unlawful for any person to advertise, offer to conduct or conduct, or otherwise promote any contest or competition involving two or more persons when the object of the contest or competition is the killing of animals or birds. (2) A violation of this section is a class 3 misdemeanor.

Colo. Rev. Stat. Ann. §35-42-113(1973)

Keeping fowls or animals to fight. Every person who keeps a place where any fowls or animals, by his consent, are suffered to fight upon exhibition or for sport upon any wager is guilty of a class 1 petty offense as defined in section 18-1-107.

CONNECTICUT

Conn. Gen. Stat. Ann. §53-247 (Supp. 1976)

Cruelty to Animals.

Any person who overdrives, drives when overloaded, overworks, tortures, deprives of necessary sustenance, mutilates or cruelly beats or kills or unjustifiably injures any animal, or who, having impounded or confined any animal, fails to give such animal proper care or neglects to cage or restrain any such animal from doing injury to itself or to another animal or fails to supply any such animal with wholesome air, food and water, or unjustifiably administers any poisonous or noxious drug or substance to any domestic animal or unjustifiably exposes any such drug or substance, with intent that the same shall be taken by an animal, or causes it to be alone, or having charge or custody of any animal, inflicts cruelty upon it or fails to provide it with proper food, drink or protection from the weather or abandons it or carries it in or causes it to be carried in a cruel manner, or sets on foot, instigates, promotes or carries on or performs any act as assistant, umpire or principal in, or is a witness of, or in any way aids in or engages in the furtherance of, any fight between cocks or other birds, dogs or other animals, premeditated by any person owning, or having custody of, such birds

or animals, or fights with or baits, harasses or worries any animal for the purpose of making it perform for amusement, diversion or exhibition, shall be fined not more than two hundred and fifty dollars or imprisoned not more than one year or both.

DELAWARE

Del. Code Ann. tit. 11, §1325 (1974)

Cruelty to Animals, Class A misdemeanor.

A person is guilty of cruelty to animals when he intentionally or recklessly:

- (1) Subjects any animal to cruel mistreatment; or
- (2) Subjects any animal in his custody to cruel neglect; or
- (3) Kills or injures any animal belonging to another person without legal privilege or consent of the owner.

Subdivisions (1) and (2) are inapplicable to accepted veterinary practices and activities carried on for scientific research. Cruelty to animals is a class A misdemeanor.

Del. Code Ann. tit. 28 §904 (1974)

Betting on horse racing, cockfighting or shooting match; penalty

(a) Whoever institutes, is concerned in or bets upon any horse race, cockfight or shooting match shall be fined \$30.

(b) No prosecution for any offense under this section shall be commenced after 6 months from the commission of such offense.

* * *

DISTRICT OF COLUMBIA

D.C. Code Ann. §22-809 (1973)

Keeping or using place for purpose of fighting or baiting of fowls or animals - Arrest without warrant.

Any person or persons who shall keep or use, or in any way be connected with or interested in the management of, or shall receive money for the admission of any person to any place kept or used for the purpose of fighting or baiting of fowls or animals, may be arrested without a warrant, as provided in section 32-205, and for every such offense be punished in the same manner provided in section 22-801. [imprisonment in jail not exceeding one year or by fine not exceeding two-hundred and fifty dollars, or both.]

D.C. Code Ann. §810 (1973)

Penalty for engaging in cockfighting -- Animal fighting.

Any person who sets on foot, instigates, promotes, carries on, or does any act, as assistant, umpire, or principal, or attends or in any way engages in the furtherance of any fight between cocks, fowls, or other birds, or dogs, bulls, bears, or other animals, premeditated by any persons owning or having custody of such birds or animals, is guilty of a misdemeanor, punishable by a fine of not more than two hundred and fifty dollars or by imprisonment in jail not more than one year, or both.

FLORIDA

Fla. Stat. Ann. §828.12 (Supp. 1975)

Cruelty to Animals.

Whoever unnecessarily overloads, overdrives, tortures, torments, deprives of necessary sustenance or shelter, or unnecessarily or cruelly beats, mutilates or kills any animal, or causes the same to be done, or carries in or upon any vehicle, or otherwise, any animal in a cruel or inhuman manner, shall be guilty of a misdemeanor of the first degree ...

GEORGIA

Ga. Code Ann. §26-2802 (1972)

Cruelty to Animals.

A person commits a misdemeanor when his act, omission, or neglect causes unjustifiable physical pain, suffering, or death to any living animal. This section does not apply to the killing of animals raised for the purpose of providing food nor does it apply to any person who shall hunt wild animals in compliance with the game and fish laws of this State. The killing or injuring of an animal for humane purposes or in the furtherance of medical or scientific research is justifiable.

HAWAII

Act 9, §1109 [1972] Hawaii Session Laws 124 (New Penal Code)

Cruelty to Animals.

- (1) A person commits the offense of cruelty to animals if he knowingly or recklessly:

* * *

- (b) Keeps or uses; or in any way is connected with or interested in the management of, or receives money for the admission of any person to, any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cock or other creature, and every person who encourages, aids or assists therein, or who permits or suffers any place to be so kept or used.

* * *

- (4) Cruelty to animals is a misdemeanor.

IDAHO

Idaho Code §18-2104 (1972)

Permitting animal fights for Amusement. -

Any person who causes any bull, bear, cock, dog or other animal to fight for his amusement, or for gain, or to worry or injure each other; and any person who permits the same to be done on any premises under his charge or control; and any person who aids, abets or is present at such fighting or worrying of such animals, as a spectator, is guilty of a misdemeanor.

Idaho Code §18-2105(1972)

Training birds or animals for fighting. -

Whoever owns, possesses, keeps or trains an animal, with the intent that such bird or animal shall be engaged in an exhibition of fighting, or is present at any place, building or tenement, where preparations are being made for an exhibition of fighting of birds or animals, with the intent to be present at such exhibition, is guilty of a misdemeanor.

Idaho Code §18-2106

Dog or cockfights. --

Every person who participates in dog or cockfighting, or who aids or abets the same by his presence, is guilty of a misdemeanor.

ILLINOIS

Ill. Ann. Stat. ch.8 §704 (Smith-Hurd 1975)

Prohibited Acts

No person or owners may beat, cruelly treat, torment, overload, overwork, or otherwise abuse any animal.

No person may own, operate, manage, maintain, charge admission to or be a patron at any place used for the purpose of fighting or baiting any bull, bear, dog, cock, or other animal.

* * *

[violation of this section is a petty offense]

INDIANA

Ind. Code §35-1-107-2 (1975)

Keeping animals for fighting.--

Any person, firm or corporation who shall keep or use animal, fowl or bird for the purpose of fighting or baiting, and any person who shall be a party to or be present as a spectator at any such fighting or baiting of any animal, bird or fowl, and any person, firm or corporation who shall rent any building, shed, room, yard, ground or premises for any such purposes as aforesaid, or shall knowingly suffer or permit the use of any building, shed, room, yard, ground or premises belonging to any person, firm or corporation for any of the purposes aforesaid, and any person, firm, or corporation who shall knowingly carry, haul or deliver any animal, fowl, or bird to be used for any of the purposes aforesaid, shall, on conviction, be fined not more than two hundred dollars [\$200], to which may be added imprisonment for any period not exceeding sixty [60] days.

IOWA

Iowa Code Ann. §726.7 (1950)

Bull fights and other contests.

If any person keep or use, or in any way be connected with, or be interested in the management of, or receive money for the admission of any person to, any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cock, or other creature, or engage in, aid, abet, encourage, or assist in any bull, bear, dog, or cock fight, or a fight between any other creatures, he shall be guilty of a misdemeanor.

KANSAS

Kan. Stat. Ann. §21-4310 (Supp. 1975)

Cruelty to Animals. (1) Cruelty to animals is:

- (a) Subjecting any animal to cruel mistreatment; or
- (b) Having custody of any animal and subjecting such animal to cruel neglect.

* * *

(3) Cruelty to animals is a class B misdemeanor.

KENTUCKY

Ky. Rev. Stat. Ann. §525.130 (1974 Penal Code)

Cruelty to animals. --

- (1) A person is guilty of cruelty to animals when except as authorized by law he intentionally or wantonly:
 - (a) Subjects any animal to or causes cruel or injurious mistreatment through abandonment, causing it to fight for pleasure or profit, mutilation, beating, torturing, tormenting, failing to provide adequate food, drink, space or health care, or by any other means;

* * *

- (3) Cruelty to animals is a class A misdemeanor.

LOUISIANA

La. Rev. Stat. §14:102 (1974)

Cruelty to animals

Cruelty to animals is the intentional or criminally negligent mistreatment of any animal by any act, or omission whereby unjustifiable physical pain, suffering or death is caused to or permitted upon said animal.

Whoever commits the crime of cruelty to animals shall be fined not more than one hundred dollars, or imprisoned for not more than ninety days, or both.

MAINE

Me. Rev. Stat. Ann. tit. 17-A §510 (1976 Penal Code).

Cruelty to Animals.

1. A person is guilty of cruelty to animals if, intentionally or recklessly:

* * *

- D. He owns, possesses, keeps, or trains any animal with the intent that it shall be engaged in an exhibition of fighting, or if he has a pecuniary interest in or acts as a judge at any such exhibition of fighting animals.

* * *

As used in subsection 1, "animal" means birds, fowl, fish, and any other living sentient creature that is not a human being.

* * *

4. Cruelty to animals is a class D crime. [Maximum sentence is 3 years imprisonment or \$1000]

MARYLAND

Md. Ann. Code art. 27 §59 (1976)

Cruelty to animals a misdemeanor.

Any person who (1) overdrives, overloads, deprives of necessary sustenance, tortures, torments, cruelly beats, mutilates or cruelly kills; or (2) causes, procures or authorizes these acts; or (3) having the charge or custody of an animal, either as owner or otherwise, inflicts unnecessary suffering or pain upon the animal, or unnecessarily fails to provide the animal with nutritious food in sufficient quantity, necessary veterinary care, proper drink, air space, shelter or protection from the weather, is guilty of a misdemeanor and shall be punishable by a fine not exceeding \$1000 or by imprisonment not to exceed 90 days or both.

* * *

Md. Code Ann. art 27 §62 (1976)

Definitions.

The words "torture," "torment," and "cruelty" mean every act, omission, or neglect whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted, and the word "animal" means every living creature except man.

MASSACHUSETTS

Mass. Gen. Laws Ann. ch. 272 § 94 (Supp 1975)

Owning, possessing or training fighting animals; establishing or promoting exhibition.

Whoever owns, possesses, keeps or trains a bird, dog or other animal, with intent that it shall be engaged in an exhibition of fighting, or whoever establishes or promotes an exhibition of the fighting of birds, dogs or other animals, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

Mass. Gen. Laws Ann. ch. 272 §95 (Supp 1975)

Aiding or being present at exhibition of fighting animals.

Whoever is present at any place, building or tenement where preparations are being made for an exhibition of the fighting of birds, dogs or other animals, with intent to be present at such exhibition, or is present at, aids in or contributes to such exhibition, shall be punished by a fine of not more than two hundred and fifty dollars or by imprisonment for not more than one month, or both.

MICHIGAN

Mich. Comp. Laws Ann. §750.49 (1968)

Animals; fighting, baiting or shooting.

Any person who shall keep or use any bull, bear, dog, cock, or other animal or fowl or bird, except English sparrows and pigeons, for the purpose of fighting, baiting or as a target to be shot at, as a test of skill in marksmanship; and any person who shall be a party to or be present as a spectator at any such fighting, baiting or shooting of any bear, dog, cock or other animal, or fowl or bird, except English sparrows and pigeons, and any person who shall rent any building, shed, room, yard, ground or premises, for the purpose of fighting, baiting, or shooting any animal, fowl or bird, except English sparrows and pigeons, as aforesaid, or shall knowingly suffer or permit the use of any building, shed, room, yard, ground or premises belonging to him or under his control, for either or any of the purposes aforesaid, shall be guilty of a misdemeanor.

* * *

MINNESOTA

Minn. Stat. Ann. §346.29 (1972)

Cock-fights and dog-fights prohibited.

Every person who shall engage in, be employed at, aid, or abet cock-fighting, dog-fighting, bear baiting, pitting one animal against another of the same or a different kind, or any other similar cruelty to animals; or who shall receive money for the admission of any person to any place used, or about to be used, for any such purpose, or shall willfully permit any one to enter or use for any such purpose premises of which he is the owner, agent, or occupant; and every person who shall use, train, or possess a dog or other animal for the purpose of seizing, detaining, or mistreating any domestic animal shall be punished by imprisonment in the county jail for not less than ten nor more than 90 days or by a fine of not less than \$5 nor more than \$100. Every person who shall knowingly purchase a ticket of admission to any such place, be present at or witness such spectacle shall be deemed an aider and abettor.

MISSISSIPPI

Miss. Code Ann. §97-41-11 (1972)

Fighting animals or cocks.

Any person who shall keep or use, or in any way be connected with or interested in the management of, or shall receive money for the admission of any person to, any place kept or used for the purpose of fighting any bear, dog, cock, or other creature, or of tormenting or torturing the same, and every person who shall encourage, aid, or assist therein, or who shall permit or suffer any place to be so kept or used, shall be guilty of a misdemeanor.

* * *

Miss. Code Ann. §97-41-13.

Penalty for violating certain sections.

Any person who shall violate... 97-41-11.... shall, on conviction, be fined not less than ten dollars nor more than one hundred dollars, or shall be imprisoned in the county jail not less than ten days nor more than 100 days or both.

MISSOURI

Mo. Ann. Stat. §563.660 (1949)

Bull baiting and cockfighting

Any person who shall keep or use, or in any way be connected with or interested in the management of, or shall receive money for the admission of any person to, any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cock, or other creature, and any person who shall encourage, aid or assist or be present thereat, or who shall permit or suffer any place belonging to him or under his control to be so kept or used, shall, on conviction thereof, be guilty of a misdemeanor.

MONTANA

Mont. Rev. Codes Ann. §94-8-106 (1973) Crim. Code as amended through 1975).

Cruelty to Animals.

- (1) A person commits the offense of cruelty to animals if without justification he knowingly or negligently subjects an animal to mistreatment or neglect by:

* * *

- (d) promoting, sponsoring, conducting or participating in a horse race of more than two (2) miles; or promoting, sponsoring or conducting or participating in any fight between any animals.
- (2) A person convicted of the offense of cruelty to animals shall be fined not to exceed five hundred dollars (\$500) or be imprisoned in the county jail for a term not to exceed six (6) months, or both.

NEBRASKA

Neb. Rev. Stat. §28-560 (1964)

Bull-baiting, torture of animals; penalty

Whoever shall confine or aid or assist in confining any bull, steer, or other domestic or domesticated animal or animals, either by tying, penning or enclosing the same, for the purpose of bull-baiting, bear baiting, or other purpose of torture, or shall aid or assist in torturing the same when so tied or penned, either by dogs, whips, spears or other instruments, shall pay a fine not exceeding one hundred dollars.

Neb. Rev. Stat. §28-561.

Cock-fighting; penalty.

Whoever shall publicly exhibit, or aid and assist in exhibiting, the game commonly called cock-fighting, shall forfeit and pay a fine not exceeding twenty dollars.

NEVADA

Nev. Rev. Stat. §574.060 (1973)

Keeping place used for baiting, fighting, birds, animals, unlawful; penalties.

1. A person who keeps or uses, or is in any manner connected with, or interested in the management of, or receives money for the admission of any person to, a house, apartment, pit or place kept or used for baiting or fighting any bird or animal, and any owner or occupant of a house, apartment, pit or place who willfully procures or permits the same to be used or occupied for such baiting or fighting, is guilty of a misdemeanor.

* * *

Nev. Rev. Stat. §574.070 (1973)

Instigating fights between birds, animals unlawful.

A person who sets on foot, instigates, promotes or carries on, or does any act as assistant, umpire or principal, or is a witness of, or in any way aids in or engages in the furtherance of any fight between cocks or other birds, or dogs, bulls, bears, or other animals, premeditated by any person owning or having custody of such birds or animals, is guilty of a misdemeanor.

NEW HAMPSHIRE

N.H. Rev. Stat. Ann. §644.8 (Supp. 1975)

Cruelty to Animals.

- I. In this section, "cruelty" shall include, but not be limited to, acts or omissions injurious or detrimental to the health, safety, or welfare of any animal. . .
- II. In this section, "animal" means a domestic animal, a household pet or a wild animal in captivity.
- III. A person is guilty of a misdemeanor if he:
 - (a) Without lawful authority knowingly deprives or causes to be deprived any animal in his possession or custody necessary care, sustenance and shelter;
 - (b) Knowingly or purposely beats, cruelly whips, tortures, mutilates or in any other manner mistreats or causes to be mistreated any animal;

* * *

- (f) Otherwise knowingly permits or causes any animal in his possession or custody to be subjected to cruelty, inhumane treatment or unnecessary suffering of any kind.

NEW JERSEY

N.J. Stat. Ann. §4:22-24 (1973)

Fighting or baiting animals or creatures and related offenses; misdemeanor.

A person who shall:

- a. Keep, use, be connected with or interested in the management of, or receive money for the admission of a person to, a place kept or used for the purpose of fighting or baiting a living animal or creature;
- b. Be present and witness, encourage or assist therein; or
- c. Permit or suffer a place owned or controlled by him to be so used -- shall be guilty of a misdemeanor, and for every such offense shall be fined not more than one thousand dollars, or be imprisoned at hard labor not more than two years, or both, in the discretion of the court.

NEW MEXICO

N.M. Stat. Ann. §40A-18-1 (1953)

Cruelty to animals. -

Cruelty to animals consists of:

- A. torturing, tormenting, depriving of necessary sustenance, cruelly beating, mutilating, cruelly killing or overdriving any animal;
- B. unnecessarily failing to provide any animal with proper food or drink; or
- C. cruelly driving or working any animal when such animal is unfit for labor. Whoever commits cruelty to animals is guilty of a petty misdemeanor.

NEW YORK

N.Y. Agric. & Mkts. §351 (McKinney 1972)

Keeping a place where animals are fought.

A person who keeps or uses, or is in any manner connected with, or interested in the management of, or receives money for the admission of any person to, a house, apartment, pit or place kept or used for baiting an animal or causing an animal to engage in combat either with another animal or with a person, except in exhibitions of a kind commonly featured at rodeos, and any owner or occupant of a house, apartment, pit or place who wilfully procures or permits the same to be used or occupied for such baiting or combat, is guilty of a misdemeanor.

N.Y. Agric. & Mkts. §352 (McKinney 1972)

Instigating fights between animals.

A person who sets on foot, instigates, promotes, or carries on, or does any act as assistant, umpire, or principal, or is a witness of, or in any way aids in or engages in the furtherance of any fight between cocks or other birds, or between dogs, bulls, bears, or other animals, or between any such animal and a person or persons, except in exhibitions of a kind commonly featured at rodeos, premeditated by any person owning, or having custody of such birds or animals, is guilty of a misdemeanor punishable by fine not less than ten dollars, nor more than one thousand dollars, or by imprisonment not less than ten days nor more than one year, or both.

NORTH CAROLINA

N.C. Gen. Stat. §14-362 (1969)

Bear baiting, cockfighting and similar amusements. -

If any person shall keep, or use, or in any way be connected with, or interested in the management of, or shall receive money for the admission of any person to, any place kept or used for the purpose of fighting, or baiting any bull, bear, dog, cock, or other animal; or if any person shall encourage, aid or assist therein, or shall permit or suffer any place to be so kept or used, he shall be guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.

NORTH DAKOTA

N.D. Cent. Code §36-21.1-07 (SUp. 1975)

Cockfights, dogfights, and other exhibitions prohibited. -

No person shall engage in or be employed at cockfighting, dogfighting, bear baiting, pitting one animal against another, or any other similar cruelty to animals; nor shall he receive money for the admission of any person to any place used, or about to be used, for any such purpose, premises of which he is the owner, agent, or occupant; nor shall he use, train, or possess a dog or other animal for the purpose of seizing, detaining, or maltreating any domestic animal, nor shall any other person knowingly purchase a ticket of admission to any such place, be present at, or witness such spectacle. [a misdemeanor]

OHIO

Ohio Rev. Code Ann. §959.15 (Page 1968)

Animal fights.

No person shall engage in or be employed at dogfighting, cockfighting, bearbaiting, pitting an animal against another, or cruelty to animals; no person shall receive money for the admission of another to a place kept for such purpose; no person shall use, train, or possess a dog or other animal for seizing, detaining, or maltreating a domestic animal. Any person who knowingly purchases a ticket of admission to such, place or is present thereat, or witnesses such spectacle, is an aider or abettor.

[Penalty is a fine of not less than five nor more than one hundred fifty dollars or imprisonment for not less than ten nor more than thirty days.]

OKLAHOMA

Okla. Stat. Ann. tit. 21 §1682 (1958)

Instigating fights between animals.

Every person who maliciously, or for any bet, stake, or reward, instigates, or encourages any fight between animals, or instigates or encourages any animal to attack, bite, wound or worry another, is guilty of a misdemeanor.

Okla. Stat. Ann. tit. 21 §1683 (1958)

Keeping places for fighting animals.

Every person who keeps any house, pit or other place, to be used in permitting any fight between animals or in any other violation of the last section, is guilty of a misdemeanor.

OREGON

Ore. Rev. Stat. §167.850 (1973)

Cruelty to animals generally.

- (1) A person commits the crime of cruelty to animals if, except as otherwise authorized by law, he intentionally or recklessly:
 - (a) Subjects any animal under human custody or control to cruel mistreatment; or
 - (b) Subjects any animal under his custody or control to cruel neglect; or
 - (c) Kills without legal privilege any animal under the custody or control of another.
- (2) As used in this section, "animal" includes birds.
- (3) Cruelty to animals is a class B misdemeanor.

PENNSYLVANIA

Pa. Stat. Ann. tit. 18 §5511 (Supp. 1975-76)

Cruelty to Animals.

* * *

- (c) Cruelty to animals. - A person commits a summary offense if he wantonly or cruelly illtreats, overloads, beats or otherwise abuses any animal, whether belonging to himself or otherwise, or abandons any animal, or deprives any animal of necessary sustenance, drink, shelter or veterinary care, or keeps or uses, or in any way is connected with, or interested in the management of, or receives money for the admission of any person to any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cock or other creature, or encourages, aids or assists therein, or permits or suffers any place to be so kept or used...

[A summary offense is punishable by a fine of up to \$300 and, or imprisonment for up to 90 days]

RHODE ISLAND

R.I. Gen. Laws Ann. §4-1-9 (1956)

Fighting of birds or animals.

Every person who shall cause or encourage the fighting of any bird or any animal with any other bird or animal, or shall keep or maintain any place for the fighting of birds or animals, or who shall knowingly permit or suffer any such fight to be had on his premises or on premises under his control, or shall make any bet or lay any wager of any kind upon the result of such fight, shall be fined not exceeding twenty dollars (\$20) and be imprisoned not exceeding three (3) months.

R.I. Gen. Laws Ann. §4-1-10 (1956)

Possession or training of fighting birds or animals.

Whoever shall own, possess, keep or train any bird or animal, with the intent that such bird or animal shall be engaged in an exhibition of fighting, shall be fined not exceeding fifty dollars.

R.I. Gen. Laws Ann. §4-1-11 (1956)

Attendance at bird or animal fight.

Whoever shall be present at any place, building or tenement where preparations are making for an exhibition of the fighting of birds or animals, with intent to be present at such exhibition, shall be fined not exceeding five hundred dollars (\$500) or imprisoned not more than eleven months (11) or both.

SOUTH CAROLINA

S.C. Code Ann. §16-567 (1962)

Cockfighting a misdemeanor. -

It shall be a misdemeanor for any person to engage in or be present at cockfighting in this State and any person found guilty shall be fined not exceeding one hundred dollars or imprisoned for not exceeding thirty days.

S.C. Code Ann. §6-4 (1962)

Ill treatment of animals generally. -

§ Whoever overloads, overdrives, overworks, tortures, torments, needlessly mutilates, cruelly kills, ill treats, deprives of necessary sustenance or shelter, or inflicts unnecessary pain or suffering upon any animal or causes the same to be done, whether such person be the owner of such animal or have the charge or custody of it, shall, for every such offense, be guilty of a misdemeanor and be punished by imprisonment in jail not exceeding thirty days or by a fine not exceeding one hundred dollars.

SOUTH DAKOTA

S.D. Compiled Laws Ann. §40-1-9 (1967)

Instigating, permitting or viewing animal fight unlawful.

It shall be unlawful for any person, for amusement purposes or for wager, to cause any animal to fight, worry, or injure another.

It shall be unlawful for any person knowingly to permit any such animal fighting, worrying, or injuring on any premises under his charge or control.

It shall be unlawful for any person to aid, abet, or be present at any animal fighting or worrying, as a spectator.

S.D. Compiled Laws Ann. §40-1-10. (1967)

Training of animal to kill for amusement unlawful. -

It shall be unlawful to have or train any animal with intent that same shall be killed for sport or amusement or to have any animal to be engaged in an exhibition of fighting or to be present at any such exhibition.

[Both of these sections are misdemeanors punishable by a fine not exceeding one hundred dollars or by imprisonment in the county jail not exceeding thirty days, or both.]

S.D. Compiled Laws Ann. §40-1-19 (1967)

Promoting animal fight as misdemeanor. -

Every person who maliciously, or for any bet, stake, or reward instigates, encourages, or promotes any fight between animals, or instigates or encourages any animal to attack, bite, wound, or worry another, or who keeps any house, pit, or other place, to be used in permitting any fight between animals or for any other violation of this section, is guilty of a misdemeanor.

TENNESSEE

Tenn. Code Ann. §39-405 (1975)

Cock and animal fighting - Misdemeanor. -

Any person who shall keep or use, or in any way be connected with or interested in the management of, or shall receive money for the admission of any person to any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cock, or other creature, and every person who shall encourage, aid, or assist therein, or who shall permit or suffer any place to be so kept or used, shall be guilty of a misdemeanor.

TEXAS

Tex. Penal Code Ann. §42.11 (1974)

Cruelty to Animals.

(a) A person commits an offense if he intentionally or knowingly:

* * *

(6) causes one animal to fight with another.

* * *

(d) An offense under this section is a class A misdemeanor.

UTAH

Utah Code Ann. §76-9-301 (Supp 1975)

Cruelty to Animals.

(1) A person commits cruelty to animals if he intentionally or knowingly:

* * *

(f) Causes one animal to fight with another.

* * *

(3) Cruelty to animals is a class B misdemeanor.

VERMONT

Vt. Stat. Ann. tit. 13 §410 (1974)

Fighting of birds or animals.

Every person who shall cause or encourage the fighting of any bird or any animal with any other bird or animal, or shall keep or maintain any place for the fighting of birds or animals, or who knowingly permits or suffers any fight to be had on his premises or on premises under his control, or shall make any bet or lay any wager of any kind upon the result of such fight, shall be imprisoned not more than one year or fined not more than \$200.00, or both.

Vt. Stat. Ann. tit. 13 §411 (1974)

Attendance at a bird or animal fight-

Whoever shall be present at any place, building, or tenement where preparations are being made for an exhibition of the fighting of birds or animals, with intent to be present at such exhibition, shall be fined not more than \$50.00.

VIRGINIA

Va. Code Ann. §18.2-394 (1975)

Fighting cocks, dogs, etc...--

If any person engage in the fighting of cocks, dogs or other animals, for money, prize or anything of value, or upon the result of which any money or other thing of value is bet or wagered, or to which an admission fee is charged, directly or indirectly, he shall be guilty of a class 3 misdemeanor.

WASHINGTON

Wash. Rev. Code Ann. §16.52.120 (1962)

Fighting, chasing, worrying or injuring animals.

Every person who want only or for the amusement of himself or others, or for gain, shall cause any bull, bear, cock, dog, or other animal to fight, chase, worry or injure any other animal, or to be fought, chased, worried or injured by any man or animal, and every person who shall permit the same to be done on any premises under his charge or control; and every person who shall aid, abet, or be present at such fighting, chasing, worrying or injuring of such animal as a spectator, shall be guilty of a misdemeanor.

Wash. Rev. Code Ann. §16-52.130 (1962)

Training animals to fight - Attending exhibitions. -

Every person who owns, possesses, keeps, or trains any bird or other animal with the intent that such bird or other animal shall be engaged in an exhibition of fighting, or is present at any place, building or tenement, where training is being had or preparations are being made for the fighting of birds or other animals, with the intent to be present at such exhibition, or is present at such exhibition, shall be guilty of a misdemeanor.

WEST VIRGINIA

W. Va. Code Ann. §61-8-19 (1966)

Cruelty to animals; pitting animals against each other in fight; penalties.

If any person shall... be engaged in or employed at cockfighting, dogfighting, bearbaiting, pitting one animal to fight against another of the same or different kind, or any similar cruelty to animals, or shall receive money for the admission of any person, or shall knowingly purchase an admission, to any place kept for such purpose, or shall use, train or possess a dog or other animal for the purpose of seizing, detaining, or maltreating any other domestic animal, he shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than five nor more than one hundred dollars, and, in the discretion of the court or justice, may be imprisoned in the county jail not exceeding six months.

WISCONSIN

Wis. Stat. Ann. §948.08 (Supp. 1975-1976)

Instigating fights between animals.

(1) No person may instigate, promote, aid or abet as a principal, agent, employee, participant or spectator, or participate in the earnings from, or intentionally maintain or allow any place to be used for a cockfight, dogfight, bullfight or other fight between the same or different kinds of animals or between an animal and a person. This section does not prohibit events or exhibitions commonly featured at rodeos or bloodless bullfights.

(2) No person may own, possess, keep or train any animal with the intent that the animal be engaged in an exhibition of fighting.

WYOMING

Wyo. Stat. Ann. §11-558. (1959)

Keeping place for fighting fowls or animals prohibited.

Every person who shall keep any place where any fowls or any animals, by his consent, are suffered to fight upon exhibition, or for sport upon any wager, shall be imprisoned in the county jail not more than thirty days or fined not less than five nor more than twenty-five dollars, or by both such fine and imprisonment.

Most Recent Statutory Material Available When Survey Conducted

1. Code of Alabama: 1973 Session of Laws
2. Alaska Statutes: Laws enacted as of 10/75
3. Arizona Revised Statutes Annotated: 1975 Session Laws
4. Arkansas Statutes Annotated: Criminal Code effective January 1, 1976
5. California Penal Code: Laws enacted as of 9/12/75
6. Colorado Revised Statutes Annotated: 1975 Session Laws
7. Connecticut General Statutes Annotated: 1975 Session Laws
8. Delaware Code Annotated: Laws enacted as of 12/31/74
9. District of Columbia Code Annotated: Supp. 1975
10. Florida Statutes Annotated: 1975 Session Laws
11. Georgia Code Annotated: 1975 Session Laws
12. Hawaii Revised Statutes: 1975 Session Laws
13. Idaho Code: 1975 Session Laws
14. Illinois Annotated Statutes: Laws enacted as of 7/1/75
15. Indiana Code: 1975 Session Laws
16. Iowa Code Annotated: 1975 Session Laws
17. Kansas Statutes Annotated: 1975 Session Laws
18. Kentucky Revised Statutes Annotated: 1974 Session Laws
19. Louisiana Code of Criminal Procedure: 1975 Session Laws
20. Maine Revised Statutes Annotated: 1975 Session Laws
21. Annotated Code of Maryland: 1975 Session Laws
22. Massachusetts General Laws Annotated: Laws enacted as of 12/2/75
23. Michigan Compiled Laws Annotated: Laws enacted as of 12/31/75
24. Minnesota Statutes Annotated: 1975 Session Laws
25. Mississippi Code Annotated: 1975 Supplement

26. Missouri Annotated Statutes: 1975 Session Laws
27. Montana Revised Codes Annotated: 1975 Session Laws
28. Nebraska Revised Statutes: 1975 Supplement
29. Nevada Revised Statutes: 1975 Session Laws
30. New Hampshire Revised Statutes Annotated: 1975 Supplement
31. New Jersey Statutes Annotated: Laws enacted as of 12/12/75
32. New Mexico Statutes Annotated: 1975 Session Laws
33. McKinney's Consolidated Laws of New York Annotated: 1975 Session Laws
34. North Carolina General Statutes: 1975 Session Laws
35. North Dakota Century Code: 1975 Session Laws
36. Ohio Revised Code Annotated: 1975 Supplement
37. Oklahoma Statutes Annotated: 1975 Supplement
38. Oregon Revised Statutes: 1975 Session Laws
39. Pennsylvania Statutes Annotated: Laws enacted as of 10/21/75
40. Rhode Island General Laws Annotated: 1975 Session Laws
41. South Carolina Code Annotated: 1975 Supplement
42. South Dakota Compiled Laws Annotated: 1975 Session Laws
43. Tennessee Code Annotated: 1975 Supplement
44. Texas Penal Code: 1975 Session Laws
45. Utah Code Annotated: 1975 Session Laws
46. Vermont Statutes Annotated: 1975 Session Laws
47. Virginia Code Annotated: 1975 Session Laws
48. Washington Revised Code Annotated: 1975 Session Laws
49. West Virginia Code Annotated: 1975 Session Laws
50. Wisconsin Statutes Annotated: 1975 Session Laws
51. Wyoming Statutes Annotated: 1975 Session Laws