

29.13(b) ANIMAL FIGHTING OR BAITING

§ 828.122, Fla. Stat.

To prove the crime of Animal [Fighting] [Baiting], the State must prove the following [one] [three] element(s) beyond a reasonable doubt:

Give as applicable, if (3)(a), (b), (c), (d), (e), (g) or (h) is charged:

(Defendant) **knowingly**

[[baited] [bred] [trained] [transported] [sold] [owned] [possessed] [used] a [wild] [domestic] animal for the purpose of animal [fighting] [baiting].]

[[owned] [possessed] [sold] equipment for use in the [baiting] [breeding] [training] [transporting] [selling] [owning] [possessing] [using] of a [wild] [domestic] animal for the purpose of animal [fighting] [baiting].]

[[owned] [leased] [managed] [operated] [had control of] property used for the [baiting] [breeding] [training] [transporting] [selling] [owning] [possessing] [using] of a [wild] [domestic] animal for the purpose of animal [fighting] [baiting].]

[[promoted] [staged] [advertised] [charged an admission fee to] a [fight] [baiting] between two or more animals.]

[performed [a service] [an act] to facilitate animal [fighting] [baiting], including, but not limited to, [providing security] [refereeing] [handling or transporting animals] [being a stakeholder of any money wagered on animal fighting or baiting].]

[bet or wagered [money] [valuable consideration] on the [fighting] [baiting] of animals.]

[attended the [fighting] [baiting] of animals.]

Give only if (3)(f) is charged:

An animal was impounded under the “Animal Fighting Act.”

(Defendant) **knowingly** [removed] [facilitated the removal of] the animal from [an agency where the animal was impounded] [a location designated by the court].

1. [He][She] did so without prior authorization of the court.
2. Possession of an animal alone does not constitute a violation.
3. “Animal fighting” means fighting between roosters or other birds or between dogs, bears, or other animals.

“Baiting” means to attack with violence, to provoke, or to harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fights with or among other animals, including the use of live animals in the training of racing greyhounds.

Give if applicable. See section (9).

It is a defense to this crime if [any person is simulating a fight for the purpose of using the simulated fight as part of a motion picture which will be used on television or in a motion picture as long as the crime of cruelty to animals is not committed. (*Define animal cruelty. See § 828.12, Fla. Stat.*)] [any person is using animals to pursue or take wildlife or to participate in hunting regulated or subject to being regulated by the rules and regulations of the Fish and Wildlife Conservation Commission.] [any person is using animals to work livestock for agricultural purposes.] [any person is conducting or engaging in a simulated or bloodless bullfighting exhibition.] [any person is using dogs to hunt wild hogs or to retrieve domestic hogs pursuant to customary hunting or agricultural practices.]

Lesser Included Offenses

No lesser included offenses have been identified for this offense.

Comment

This instruction was adopted in 2009.