

WASHINGTON COUNTY JUSTICE COURT, WASHINGTON COUNTY, UTAH
NOTIFICATION OF ENHANCEMENT – ANIMAL CRUELTY

Defendant: _____, Case No. _____

IF YOU ARE CONVICTED of the offense of any Animal Cruelty Offense as checked below, this conviction may be used to make a later charge more serious by raising the classification of that offense. This form provides notification of the current provisions of Utah State Law regarding enhancement; minimum/maximum penalties applicable to the different classifications of offenses; and the specific elements of your current charges. It does not notify you of other collateral consequences.

ELEMENTS

Class C or B misdemeanor – Cruelty to Animals 76-9-301(2): It is unlawful for any person without legal privilege to do so, intentionally, knowingly, recklessly, or with criminal negligence: (a) fail to provide necessary food, water, care, or shelter for an animal in the person's custody; (b) abandon an animal in the person's custody; (c) injure an animal; (d) cause any animal, not including a dog, to fight with another animal of like kind for amusement or gain; or (e) cause any animal, including a dog, to fight with a different kind of animal or creature for amusement or gain. If committed recklessly or with criminal negligence it is a Class C misdemeanor. If committed intentionally or knowingly it is a Class B misdemeanor.

Class B misdemeanor – Dog Fighting Exhibition 76-9-301.1(4): It is unlawful for any person to knowingly and intentionally be present as a spectator at any place . . . where preparations are being made for an exhibition of dog fighting, or to knowingly and intentionally be present at a dog fighting exhibition or any other occurrence of fighting or injury described in this section.

Class B misdemeanor – Spectator at Organized Animal Fighting Exhibition 76-9-301.5: It is unlawful for any person to knowingly be present as a spectator at any place . . . where preparations are being made for an exhibition of the fighting of animals, as prohibited by Subsections 76-9-301(2)(d) and (e), or to be present at such exhibition, regardless of whether any entrance fee has been charged

Class B misdemeanor—Game Fowl Fighting 76-9-301.3: It is unlawful for a person to (a) intentionally cause a game fowl to fight with or attack another game fowl for the purpose of entertainment, sport, or contest; or (b) promote any activity that involves game fowl fighting, including promoting an activity that is a violation of subsection (a) above.

ENHANCEMENT

76-9-301.7: A person who commits any violation of Section 76-9-301, Section 76-9-301.5, or Section 76-9-301.1(4) within the state and on at least one previous occasion has been convicted of violating Section 76-9-301, Section 76-9-301.5, or Section 76-9-301.1(4) (*including a plea of guilty or no contest that is held in abeyance and later dismissed or reduced*) shall be subject to an enhanced penalty as follows: If the first conviction (*or plea in abeyance*) is a class C misdemeanor, it is enhanced to a class B misdemeanor; and if the first conviction (*or plea in abeyance*) is a class B misdemeanor, it is enhanced to a class A misdemeanor.

76-9-301.3: A person who commits Game Fowl Fighting is guilty of a class B misdemeanor for the first violation; a class A misdemeanor for the second violation; or a third degree felony for a third or subsequent violation.

PENALTIES

Minimum/Maximum Sentences

Class C Misdemeanor:	0 days to 90 days jail	AND/OR	\$0 to \$1,475 in fines and surcharges, plus interest
Class B Misdemeanor:	0 days to 6 months jail	AND/OR	\$0 to \$1,950 in fines and surcharges, plus interest
Class A Misdemeanor:	0 days to 1 year jail	AND/OR	\$0 to \$4,793 in fines and surcharges, plus interest
3 rd Degree Felony:	0 days to 5 years jail	AND/OR	\$0 to \$9,543 in fines and surcharges, plus interest

I understand the foregoing Notification of Enhancement as explained here and as orally explained to me.

_____ (Date) _____ (Defendant's signature)