

REFERENCE TITLE: dog racing; crimes; anabolic steroids

State of Arizona
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HB 2637

Introduced by
Representatives Fleming, Young Wright: Antenori, Campbell CH, Campbell CL,
Heinz, Tovar, Waters

AN ACT

AMENDING SECTIONS 5-105 AND 5-115, ARIZONA REVISED STATUTES; RELATING TO DOG
RACING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 5-105, Arizona Revised Statutes, is amended to
3 read:

4 5-105. Appointment of personnel; tests; reports; detention of
5 animals; testing facilities

6 A. For purposes of detecting violations of this article, the
7 department shall appoint qualified veterinarians, biochemists and such other
8 personnel as the department considers necessary or may contract with a duly
9 qualified chemical laboratory located either within or outside this
10 state. The testing personnel may, in accordance with such procedures as the
11 commission by regulation prescribes:

12 1. Examine horses entered in a race within six hours before the start
13 of the race to determine if the horse has been desensitized or drugged. For
14 the purposes of the examination a horse does not have to be held in a
15 retaining barn.

16 2. Examine dogs at weigh-in or weigh-out time to determine if the dog
17 has been desensitized or drugged.

18 3. Perform such other tests and inspections as the department
19 considers necessary to carry out this article including the random splitting
20 of samples.

21 4. Store blood, urine and saliva samples in a frozen state or in any
22 other appropriate manner by which they may be preserved for future analysis.

23 5. Perform tests on horses or dogs that die while on property under
24 the jurisdiction of the department.

25 6. Analyze samples of urine, blood or saliva taken immediately after a
26 race from the horse that won the race to determine if the horse has been
27 drugged. The department may additionally analyze samples of any other animal
28 entered in a race.

29 7. Analyze samples of urine or saliva taken either immediately prior
30 to or after a race from the dog that won the race to determine if the dog has
31 been drugged, **INCLUDING THE ADMINISTRATION OF ANABOLIC STEROIDS**. The
32 department may additionally analyze samples of any other animal entered in a
33 race.

34 B. The veterinarian authorized by the department may order the taking
35 and analysis of samples from a losing favorite or from any other horse or dog
36 when the veterinarian, based upon the performance of the horse or dog in the
37 race, has probable cause to believe that the horse or dog has been drugged or
38 desensitized. If a blood sample is required, the veterinarian shall take the
39 sample.

40 C. The identity of any horse or dog determined under this section to
41 be drugged or desensitized ~~shall~~, in accordance with such procedures as the
42 commission prescribes by regulation, **SHALL** be reported to a steward and the
43 appropriate county attorney. If any horse or dog is not made available in
44 accordance with such regulations as the commission prescribes for any test or
45 inspection required under this section the identity of such horse or dog
46 shall be reported to a steward.

1 D. A permittee ~~shall~~, in accordance with regulations prescribed by the
2 commission, **SHALL** provide the testing personnel with adequate space and
3 facilities so that the inspections, tests and other procedures described in
4 subsection A may be performed. Access to such space and facilities shall be
5 restricted in accordance with regulations prescribed by the commission.

6 E. Testing personnel may detain for a period of not to exceed
7 twenty-four hours for examination, testing or the taking of evidence any
8 horse or dog at a race which is drugged or desensitized or which such person,
9 based upon the results of an inspection, test or other procedure conducted
10 under this section, has probable cause to believe is drugged or desensitized.
11 Any horse or dog which is detained may not be moved during such detention
12 from the place where the horse or dog is detained except as authorized by
13 testing personnel pursuant to rule and regulation of the commission.

14 F. The department shall retain for three years copies of all
15 post-mortem reports on animals. The department shall retain all such reports
16 which are used as evidence in a judicial proceeding at least until the
17 conclusion of the proceeding.

18 Sec. 2. Section 5-115, Arizona Revised Statutes, is amended to read:
19 **5-115. Violation; classification; civil penalties**

20 A. At any racing meeting conducted under the provisions of this
21 article, a person is guilty of a class 4 felony, if he:

22 1. Knowingly influences or has any understanding or connivance with
23 any official, owner, jockey, trainer, groom, starter, assistant starter or
24 other person associated with a stable, kennel or race in which any horse or
25 dog participates to predetermine the result thereof.

26 2. Knowingly gives or offers a bribe in any form to any official,
27 owner, trainer, jockey, driver or groom, starter or assistant starter or any
28 other person licensed by the department or accepts or solicits a bribe in any
29 form.

30 3. Knowingly has in his possession or in use, while riding or driving
31 in any horse race, any mechanical or electric device capable of affecting a
32 horse's performance other than an ordinary whip.

33 4. Knowingly commits any other corrupt or fraudulent practice in
34 relation to racing which affects or may affect the result of a race.

35 5. For the purpose of selling or offering to sell predictions on horse
36 races, harness races or dog races, advertises that he has predicted the
37 outcome of any race which has been run in this state, unless such person has
38 notified in writing the department or a representative of the department of
39 his predictions at least three hours prior to the race involved on forms
40 prescribed by the department. No person shall advertise the fact that he has
41 notified the department or use the name of the department in any way
42 whatsoever to promote the activities described in this section. For the
43 purposes of this paragraph, "advertise" means the use of any newspaper,
44 magazine or other publication, book, notice, circular, pamphlet, letter,
45 handbill, tip sheet, poster, bill, sign, placard, card, label, tag window
46 display, store sign, radio or television announcement, or other means or

1 methods now or hereafter employed to bring to the attention of the public
 2 information concerning the outcome of horse or dog races. Nothing contained
 3 in this paragraph shall apply to any daily newspaper of general circulation
 4 which is regularly entered in the United States mail, or any other daily
 5 publication carrying complete past performances of horses or dogs entered in
 6 races, or to any regularly published magazine or periodical devoted to racing
 7 news, which magazine or periodical has been published for at least two years.

8 B. It is a class 4 felony for:

9 1. A trainer or owner to enter a horse or dog in a race if the trainer
 10 or owner knows that the horse or dog is drugged, or desensitized and that the
 11 racing performance of the animal is affected.

12 2. A person to perform the drugging, or desensitizing of a horse or
 13 dog if such a person knows that the horse or dog will compete in a race while
 14 so drugged or desensitized and knows that the racing performance of the
 15 animal is affected.

16 3. A person to intentionally fail to notify a steward as soon as
 17 reasonably possible that a horse or dog entered in a race is drugged or
 18 desensitized or that a horse or dog was not properly made available for the
 19 required tests or inspections and knows that the racing performance of the
 20 animal may be affected.

21 4. A person to intentionally impair or alter the normal performance of
 22 a pari-mutuel wagering system with the intent to defraud or injure the state
 23 or a permittee. Alteration of the normal performance of a pari-mutuel system
 24 includes:

25 (a) Altering, changing or interfering with any equipment or device
 26 used in connection with pari-mutuel wagering.

27 (b) Causing any false, inaccurate, delayed or unauthorized data,
 28 impulse or signal to be fed into, transmitted over, registered in or
 29 displayed on any equipment or device used in connection with pari-mutuel
 30 wagering.

31 5. A person to impair or alter the normal operation of simulcast
 32 broadcasts by intentionally doing any of the following with the intent to
 33 defraud or injure the state or a permittee:

34 (a) Intercepting or decoding a transmission of a simulcast signal,
 35 either in whole or in part, which has been authorized in writing for the use
 36 of pari-mutuel wagering and which the director has not provided written
 37 authorization for the person to receive or decode.

38 (b) Without written authorization from the director, manufacturing,
 39 distributing or selling a device, a plan or a kit for a device capable of
 40 intercepting or decoding a transmission of a simulcast signal with the intent
 41 that the device, plan or kit be used for interception or decoding.

42 (c) Without written authorization from the director, possessing a
 43 device, a plan or a kit for a device capable of intercepting or decoding a
 44 transmission of a simulcast signal with the intent that the device, plan or
 45 kit be used for the interception or decoding.

1 C. IT IS A CLASS 2 MISDEMEANOR FOR A TRAINER OR OWNER TO ENTER A DOG
2 IN A RACE IF THE TRAINER OR OWNER KNOWS THAT THE DOG IS DRUGGED WITH ANABOLIC
3 STEROIDS.

4 ~~E.~~ D. The department, in addition to any criminal penalties provided
5 in this chapter and in addition to suspension or revocation of a credential
6 or a license, may levy a civil penalty as to a licensee or a holder of a
7 credential as follows:

8 1. In an amount of not to exceed five thousand dollars for each
9 violation of any provision of subsection A OF THIS SECTION.

10 2. In an amount of not to exceed one thousand dollars for each
11 violation of any provision of this chapter which constitutes grounds for
12 suspension or revocation of a credential or license, except for violation of
13 those provisions contained in subsection A OF THIS SECTION. All sums paid to
14 the department pursuant to this subsection shall be deposited, pursuant to
15 sections 35-146 and 35-147, in the state general fund.

16 ~~D.~~ E. Any person who holds or conducts any racing meeting or operates
17 an additional wagering facility without first complying with the provisions
18 of this article, or any person who fails to submit to a drug test as directed
19 by stewards or who violates any other provision of this article for which no
20 other penalty is prescribed, is guilty of a class 2 misdemeanor.

21 ~~E.~~ F. A member of the commission or an employee of the department who
22 at any time, directly or indirectly, knowingly receives any money, bribe, tip
23 or other thing of value or service from any person connected with racing
24 given with an intent to influence his official action, or any person
25 connected with racing who, directly or indirectly, knowingly gives such
26 money, bribe, tip or other thing of value or service to a member of the
27 commission or an employee of the department with intent to influence his
28 official action, is guilty of a class 4 felony.

29 ~~F.~~ G. A person who knowingly removes or alters, either directly or
30 indirectly, any tattoo, other marking, device, coloration or special
31 characteristic that is required by the department for the purpose of
32 identifying a greyhound used or bred for racing purposes or a person who
33 knowingly subjects a greyhound used or bred for racing purposes regulated
34 under this chapter to grossly inhumane conditions or severe mistreatment is
35 guilty of a class 6 felony. For THE purposes of this subsection:

36 1. "Grossly inhumane conditions" means conditions arising from a
37 person's reckless indifference to the consequences of an act or omission if
38 the person, without any actual intent to injure, is aware from his knowledge
39 of existing circumstances and conditions that his conduct will inevitably or
40 probably result in injury to a greyhound used or bred for racing purposes.

41 2. "Severe mistreatment" means the infliction of physical pain,
42 suffering or death on a greyhound used or bred for racing purposes in a
43 manner that is either wanton or with reckless indifference to pain or
44 suffering.