

Regular Session, 2014

SENATE BILL NO. 523

BY SENATOR MORRELL

CRIME/PUNISHMENT. Provides relative to the crime of cockfighting. (8/1/14)

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AN ACT

To amend and reenact R.S. 14:102.23(A)(2), (B)(1), and (C) and to enact R.S. 14:102.23(D) and (E), relative to the crime of cockfighting; to provide for definitions; to provide that possession of certain paraphernalia may be admissible as evidence of a violation; to provide penalties upon conviction of cockfighting; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:102.23(A)(2), (B)(1), and (C) are hereby amended and reenacted and R.S. 14:102.23(D) and (E) are hereby enacted to read as follows:

§102.23. Cockfighting

A. It shall be unlawful for any person to:

\* \* \*

(2) Possess, train, purchase, or sell any chicken with the intent that the chicken shall be engaged in an unlawful commercial or private cockfight as prohibited in Paragraph (1) of this Subsection.

B. As used in this Section, the following words and phrases have the following meanings ascribed to them:

1 (1) "Chicken" means any ~~bird which is of the species *Gallus gallus*,~~  
2 **gamefowl, rooster, or other bird**, whether domestic or feral.

3 \* \* \*

4 C. **Possessing, manufacturing, buying, selling, or trading of**  
5 **paraphernalia such as spurs, gaffs, knives, leather training spur covers, and**  
6 **other items normally used in cockfighting together with evidence that the**  
7 **paraphernalia is being used or intended for use in the unlawful training of a**  
8 **chicken to fight with another chicken, along with the possession of any such**  
9 **chicken, shall be admissible as evidence of a violation of this Section.**

10 **D.**(1) Whoever violates the provisions of this Section, on conviction of a first  
11 offense, ~~shall be fined not more than one thousand dollars, or imprisoned for not~~  
12 ~~more than six months, or both.~~

13 ~~(2) On a conviction of a second offense, the offender shall be fined not less~~  
14 ~~than seven hundred fifty dollars, nor more than two thousand dollars, or imprisoned,~~  
15 ~~with or without hard labor, for not less than six months nor more than one year, or~~  
16 ~~both. In addition to any other penalty imposed, on a conviction of a **second** **first**~~  
17 ~~offense, the offender shall be ordered to perform fifteen eight-hour days of court-~~  
18 ~~approved community service. The community service requirement shall not be~~  
19 ~~suspended.~~

20 ~~(3)~~**(2)** On a conviction of a ~~third~~ **second** offense, the offender shall be fined  
21 not less than one thousand dollars, nor more than two thousand dollars, and shall be  
22 imprisoned, with or without hard labor, for not less than one year nor more than three  
23 years. At least six months of the sentence imposed shall be served without benefit  
24 of parole, probation, or suspension of sentence.

25 **E. For the purposes of this Section, when more than one chicken is**  
26 **subject to an act that would constitute cockfighting, each chicken involved shall**  
27 **constitute a separate offense.**

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The original instrument was prepared by Cathy R. Wells. The following digest, which does not constitute a part of the legislative instrument, was prepared by Mary Dozier O'Brien.

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### DIGEST

Morrell (SB 523)

Proposed law provides that it is illegal to possess, train, purchase, or sell any chicken, with the intent that the chicken will engage in an unlawful commercial or private cockfight.

Present law provides for the definition of "chicken" as any bird that is of the species of *Gallus gallus*, whether domestic or feral, for the purposes of the crime of cockfighting.

Proposed law changes the definition of "chicken" to be any gamefowl, rooster, or other bird, whether domestic or feral.

Proposed law provides that possessing, manufacturing, buying, selling, trading of paraphernalia, such as spurs, gaffs, knives, leather training spur covers and other items normally used in cockfighting together with evidence that the paraphernalia is being used or intended for use in the unlawful training of a chicken to fight with another chicken, along with the possession of any such chicken shall be admissible as evidence of a violation.

Present law provides for the following penalties on conviction of cockfighting:

First offense: Fined not more than \$1,000, or imprisoned for not more than six months, or both.

Second offense: Fined not less than \$750, nor more than \$2,000, or imprisoned with or without hard labor, for not less than six months, nor more than one year, or both. Upon conviction of second offense, the offender shall be ordered to perform 15 eight-hour days of court-approved community service that shall not be suspended.

Third offense: Fined not less than \$1,000, nor more than \$2,000 and imprisoned with or without hard labor, for not less than one year nor more than three years, and requires that a minimum of six months of the sentence be served without benefit of parole, probation, or suspension of sentence.

Proposed law provides for the following penalties on conviction of cockfighting:

First offense: Fined not less than \$750, nor more than \$2,000, or imprisoned with or without hard labor, for not less than six months, nor more than one year, or both. Upon conviction of a second offense, the offender shall be ordered to perform 15 eight-hour days of court-approved community service that shall not be suspended.

Second offense: Fined not less than \$1,000, nor more than \$2,000 and imprisoned with or without hard labor, for not less than one year nor more than three years, and requires that a minimum of six months of the sentence be served without benefit of parole, probation, or suspension of sentence.

Proposed law provides that when one chicken is acting in a manner that would constitute cockfighting, then each chicken involved constitutes a separate offense.

Effective August 1, 2014.

(Amends R.S. 14:102.23(A)(2), (B)(1), and (C); adds R.S. 14:102.23(D) and (E))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Provides that when one chicken is acting in a manner that would constitute cockfighting, then each chicken involved constitutes a separate offense.
2. Technical amendments.