
 DIGEST

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Morrell

SB No. 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 or rooster whether domestic or feral normally used in a cockfight.

Proposed law provides that possessing, manufacturing, buying, selling, or trading of paraphernalia, such as spurs, gaffs, knives, leather training spur covers, and other items normally used in cockfighting with the intent that they shall be used in a cockfight 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. However, proposed law shall not be construed to prohibit the possessing, buying, selling, or trading of any spurs, gaffs, knives, leather training spur covers, or any other items normally used in cockfighting which are at least five years old and have historical value.

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

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| 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:

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|-----------------|--|
| 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 subject to an act 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.

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the reengrossed bill.

1. Changed the definition of "chicken" to include gamefowl and roosters commonly used in a cockfight.
2. Added to the crime of possessing, manufacturing, buying, trading, or selling paraphernalia that the paraphernalia has to be intended to be used in a cockfight.
3. Created an exception for paraphernalia that is at least five years old or older and has historical value.