

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 523 By Senator Morrell

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

CRIME/PUNISHMENT. Provides for the crime of cockfighting. (89/1/14)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Changes the definition of "chicken" to include game fowl and roosters commonly used in a cockfight.
2. (a) Adds to the crime of possessing, manufacturing, buying, trading, or selling paraphernalia that the paraphernalia has to be intended to be used in a cockfight.

(b) Adds penalty for first time offense for possessing, manufacturing, buying, trading, or selling paraphernalia.
3. Creates an exception for paraphernalia that is at least five years old or older and has historical value.
4. Adds provision proposed law not be construed to prohibit raising any chicken, rooster, or game fowl for purposes of personal enjoyment, exhibition, or agricultural purposes.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

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 game fowl 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. Requires that violators, upon conviction of possessing, manufacturing, buying, selling or trading paraphernalia, be fined not more than \$500 or imprisoned for not more than six months, or both.

Proposed law is not to 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:

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. Requires an offender, upon conviction of a first offense, to perform 15 eight-hour days of court-approved community service which requirement is not to 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.

Proposed law is not to be construed to prohibit the raising of any chicken, rooster, or game fowl for the personal enjoyment, exhibition, or agricultural pursuits as long as the purpose of the pursuits are legal.

Effective August 1, 2014.

(Amends R.S. 14:102.23(B)(1), and (C); Adds R.S. 14:102.23(D), (E) and (F))

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