

BILL ANALYSIS

Senate Research Center

H.B. 1043
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Although cockfighting is banned across the country and has been a crime in Texas for more than 100 years, this illegal activity is still rampant throughout the state and is often accompanied by gambling, alcohol, drugs, and firearms. Reports indicate that it is common for individuals to transport across international boundaries cocks that, because they are often used in cockfighting, have not received proper veterinary care such as vaccinations. As such animals are transported back into the United States, some return with transmittable poultry diseases, placing Texas' poultry stock at a high risk for contracting these diseases.

The current standards for prosecuting a cockfighting offense in Texas involve witnessing two people engaging cocks in a fight. When cockfighting raids are conducted, law enforcement generally are able to prosecute only one or two persons for the cockfighting offense because, typically, only one fighting event occurs at a time. Unlike many other states, it is not a crime in Texas to own or operate a facility for cockfighting, own cockfighting equipment, train a cock to fight, or attend a cockfight. H.B. 1043 attempts to address these issues by creating an offense for engaging in certain conduct relating to cockfighting and setting out criminal and civil consequences of committing that offense.

H.B. 1043 amends current law relating to creating an offense for engaging in certain conduct relating to cockfighting.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 42, Penal Code, by adding Section 42.105, as follows:

Sec. 42.105. COCKFIGHTING. (a) Defines, in this section, "bridle," "cock," "cockfighting," "gaff," and "slasher."

(b) Provides that a person commits an offense if the person knowingly:

- (1) causes a cock to fight with another cock;
- (2) participates in the earnings of or operates a facility used for cockfighting;
- (3) uses or permits another to use any real estate, building, room, tent, arena, or other property for cockfighting;
- (4) owns or trains a cock with the intent that the cock be used in an exhibition of cockfighting;
- (5) manufactures, buys, sells, barter, exchanges, possesses, advertises, or otherwise offers a gaff, slasher, or other sharp implement designed for

attachment to a cock with the intent that the implement be used in cockfighting; or

(6) attends as a spectator an exhibition of cockfighting.

(c) Provides that it is an affirmative defense to prosecution under this section that the actor's conduct:

(1) occurred solely for the purpose of or in support of breeding cocks for poultry shows in which a cock is judged by the cock's physical appearance; or

(2) was incidental to collecting bridles, gaffs, or slashers.

(d) Provides that an affirmative defense to prosecution is not available under Subsection (c) if evidence shows that the actor is also engaging in use of the cocks for cockfighting.

(e) Provides that it is a defense to prosecution for an offense under this section that:

(1) the actor was engaged in bona fide experimentation for scientific research; or

(2) the conduct engaged in by the actor is a generally accepted and otherwise lawful animal husbandry or agriculture practice involving livestock animals.

(f) Provides that an offense under Subsection (b)(1), (2), (3), or (5) is a state jail felony. Provides that an offense under Subsection (b)(4) is a Class A misdemeanor. Provides that an offense under Subsection (b)(6) is a Class C misdemeanor, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that the person has been previously convicted of an offense under that subdivision.

SECTION 2. Effective date: September 1, 2011.