ENROLLED SENATE
BILL NO. 680

By: Long (Lewis), Williams (Penny) and Fair of the Senate

and

Stottlemyre, Breckinridge, Bryant, Satterfield and Boyd (Laura) of the House

An Act relating to crimes and punishments; prohibiting bear wrestling exhibitions and horse tripping events; providing penalties; authorizing restitution and reimbursements; providing for seizure and forfeiture of certain animals; requiring certain placement of forfeited animals; defining term; amending 21 O.S. 1991, Section 644, which relates to assault and battery; clarifying language; increasing fine; defining crime of domestic abuse; providing penalties; requiring certain treatment as a condition of a suspended sentence; providing for payment of cost of treatment; providing for codification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1700 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. It is unlawful for any person to:

1. Promote, engage in, or be employed at a bear wrestling exhibition or horse tripping event;

2. Receive money for the admission of another person to any place where bear wrestling or horse tripping will occur;

3. Sell, purchase, possess, or offer a horse for any horse tripping event;

4. Sell, purchase, possess, or train a bear for any bear wrestling exhibition;

5. Subject a bear to alteration in any form for purposes of bear wrestling including, but not limited to, removal of claws or teeth, or severing tendons; or

6. Give any substance to a bear, inject any substance into a bear, or cause a bear to ingest or inhale any substance for the purposes of bear wrestling.

B. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding one (1) year, or by a fine of not more than Two Thousand Dollars ($2,000.00), or by both such fine and imprisonment. In addition, the court may require the violator to make restitution and reimbursements to the state, any of its political subdivisions, or to any society which is incorporated for the prevention of cruelty to animals for housing, feeding, or

providing medical treatment to any animals used or intended for use in violation of this section.

C. Upon the arrest of any person pursuant to any provision of this section, the arresting law enforcement agency or animal control office shall have authority to seize and take custody of all animals in the possession of the arrested person which are the basis of an arrest pursuant to the provisions of this section. Upon conviction, the court shall have authority to order the forfeiture of all animals seized which are the basis of the conviction pursuant to the provisions of this section. Any animals ordered forfeited may be placed in the custody of a society which is incorporated for the prevention of cruelty to animals.

D. As used in this section, "horse tripping" means to cause an animal of the equine species to fall or lose its balance with the use of a wire, pole, stick, rope or other object. The term does not include the lawful laying down of a horse for medical purposes or for the purposes of identification.

SECTION 2. AMENDATORY 21 O.S. 1991, Section 644, is amended to read as follows:

Section 644. A. Assault shall be punishable by imprisonment in a county jail not exceeding thirty (30) days, or by a fine of not more than Five Hundred Dollars ($500.00), or both~~, at the discretion of the court~~ such fine and imprisonment.

B. Assault and battery shall be punishable by imprisonment in a county jail not exceeding ninety (90) days, or by a fine of not more than ~~Five Hundred Dollars ($500.00)~~ One Thousand Dollars ($1,000.00), or by both such imprisonment and fine.

C. Any person who commits any assault and battery against a current or former spouse, an individual with whom the defendant has had a child, or a person living in the same household as the defendant shall be guilty of domestic abuse. Upon conviction, the defendant shall be punished by imprisonment in the county jail not exceeding one (1) year, or by a fine of not more than Three Thousand Dollars ($3,000.00), or by both such fine and imprisonment. Any second or subsequent conviction of domestic abuse shall be a felony punishable by imprisonment in the custody of the Department of Corrections for not more than two (2) years, or by a fine of not more than Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment. Every conviction of domestic abuse shall require as a condition of a suspended sentence that the defendant participate in counseling or treatment to bring about the cessation of domestic abuse. The defendant may be required to pay all or part of the cost of the counseling or treatment, in the discretion of the court.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 1st day of May, 1996.

President of the Senate

Passed the House of Representatives the 15th day of May, 1996.

Speaker of the House of Representatives