

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

2ND CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 835

By: Shurden of the Senate

and

Erwin of the House

2ND CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to crimes and punishments; ordering a legislative referendum pursuant to the Oklahoma Constitution; amending Provisions No. 2, 3, 4, 5, 6 and 8, State Question No. 687, Initiative Petition No. 365 (21 O.S. Supp. 2002, Sections 1692.2, 1692.3, 1692.4, 1692.5, 1692.6 and 1692.8), which relate to cockfighting; modifying punishments; providing ballot title; and directing filing.

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

SECTION 1. Pursuant to Section 3 of Article V of the Oklahoma Constitution, there is hereby ordered the following legislative referendum which shall be filed with the Secretary of State and addressed to the Governor of the state, who shall submit the same to the people for their approval or rejection at the next Primary Election to be held in 2004, pursuant to Section 1-102 of Title 26 of the Oklahoma Statutes.

SECTION 2. AMENDATORY Provision No. 2, State Question No. 687, Initiative Petition No. 365 (21 O.S. Supp. 2002, Section 1692.2), is amended to read as follows:

Section 1692.2 Every person who willfully instigates or encourages any cockfight, upon conviction, shall be guilty of a ~~felony. The penalty for a violation of this section shall be~~ misdemeanor for a first or second offense and a felony for any third

or subsequent offense as provided in Section ~~§~~ 1692.8 of this ~~Act~~
title.

SECTION 3. AMENDATORY Provision No. 3, State Question No. 687, Initiative Petition No. 365 (21 O.S. Supp. 2002, Section 1692.3), is amended to read as follows:

Section 1692.3 Every person who keeps any pit or other place, or knowingly provides any equipment or facilities to be used in permitting any cockfight, upon conviction, shall be guilty of a ~~felony~~. ~~The penalty for a violation of this section shall be~~
misdemeanor for a first or second offense and a felony for any third
or subsequent offense as provided in Section ~~§~~ 1692.8 of this ~~Act~~
title.

SECTION 4. AMENDATORY Provision No. 4, State Question No. 687, Initiative Petition No. 365 (21 O.S. Supp. 2002, Section 1692.4), is amended to read as follows:

Section 1692.4 Every person who does any act or performs any service in the furtherance of or to facilitate any cockfight, upon conviction, shall be guilty of a ~~felony~~ misdemeanor for a first or second offense and a felony for any third or subsequent offense as provided in Section 1692.8 of this title. Such activities and services specifically prohibited by this section include, but are not limited to: promoting or refereeing of birds at a cockfight, advertising a cockfight, or serving as a stakes holder of any money wagered on any cockfight. ~~The penalty for a violation of this section shall be as provided in Section 8 of this Act.~~

SECTION 5. AMENDATORY Provision No. 5, State Question No. 687, Initiative Petition No. 365 (21 O.S. Supp. 2002, Section 1692.5), is amended to read as follows:

Section 1692.5 Every person who owns, possesses, keeps, or trains any bird with the intent that such bird shall be engaged in a cockfight, upon conviction, shall be guilty of a ~~felony~~. ~~The penalty for a violation of this section shall be~~ misdemeanor for a

first or second offense and a felony for any third or subsequent offense as provided in Section & 1692.8 of this Act title.

SECTION 6. AMENDATORY Provision No. 6, State Question No. 687, Initiative Petition No. 365 (21 O.S. Supp. 2002, Section 1692.6), is amended to read as follows:

Section 1692.6 Every person who is knowingly present as a spectator at any place, building, or other site where preparations are being made for a cockfight with the intent to be present at such preparation or cockfight, or is knowingly present at such cockfight, upon conviction shall be guilty of a misdemeanor punishable by a fine not exceeding Five Hundred Dollars (\$500.00).

SECTION 7. AMENDATORY Provision No. 8, State Question No. 687, Initiative Petition No. 365 (21 O.S. Supp. 2002, Section 1692.8), is amended to read as follows:

Section 1692.8 ~~A. Every person who is guilty of a felony under any of the provisions of Section 2, 3, 4, or 5 of this Act shall be punished by imprisonment in the state penitentiary for not less than one (1) year nor more than ten (10) years, or shall be fined not less than Two Thousand Dollars (\$2,000.00) nor more than Twenty-five Thousand Dollars (\$25,000.00), or by both such fine and imprisonment.~~

~~B. Every person who upon conviction is guilty of any of the provisions of Section 6 of this Act shall be punished by imprisonment in the county jail for not more than one (1) year, or shall be fined not more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment~~ Any person convicted of violating any provision of Sections 1692.2 through 1692.5 of this title shall be punished as follows:

First offense: A fine not exceeding One Thousand Dollars (\$1,000.00);

Second offense: A fine not exceeding Five Thousand Dollars (\$5,000.00), or imprisonment in the county jail for a term not more than one (1) year, or both such fine and imprisonment; and

Third and subsequent offense: A fine not exceeding Ten Thousand Dollars (\$10,000.00) or imprisonment in the Department of Corrections for a term not more than three (3) years or both such fine and imprisonment.

SECTION 8. The Ballot Title for the proposed act shall be in the following form:

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends Sections 2, 3, 4, 5, 6 and 8 of State Question 687. State Question 687 made cockfighting illegal. This measure changes the penalties contained in State Question 687. A first offense is a misdemeanor. The fine could not be more than \$1,000.00. A second offense is a misdemeanor. The penalty could be a fine, jail or both. The fine could not be more than \$5,000.00. The jail term could not be more than 1 year. A third offense is a felony. The penalty could be a fine, prison, or both. The fine could not be more than \$10,000.00. The prison term could not be more than 3 years. The penalty for a spectator is a fine. The fine could not be more than \$500.00.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

- YES, FOR THE AMENDMENT
 NO, AGAINST THE AMENDMENT

SECTION 9. The President Pro Tempore of the Senate shall, immediately after the passage of this order for legislative referendum, prepare and file one copy of this order for legislative referendum in accordance with Section 3 of Article V of the Oklahoma Constitution, including the Ballot Title set forth in SECTION 8

hereof, with the Secretary of State and one copy with the Attorney General.

49-1-1520

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