

CS for EHB 1784

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THE STATE SENATE
Monday, April 7, 2003

Committee Substitute for
ENGROSSED
House Bill No. 1784

COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 1784 - By: ERWIN,
PETTIGREW, SMITHSON and HUTCHISON of the House and SHURDEN of the
Senate.

An Act relating to crimes and punishments; ordering a
legislative referendum pursuant to the Oklahoma
Constitution; amending Provisions No. 2, 3, 4, 5 and 8,
State Question No. 687, Initiative Petition No. 365 (21 O.S.
Supp. 2002, Sections 1692.2, 1692.3, 1692.4, 1692.5 and
1692.8), which relate to cockfighting; modifying
punishments; declaring an emergency; 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 on the primary election
date of the year 2004.

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:

1 Section 1692.2 Every person who willfully instigates or
2 encourages any cockfight, upon conviction, shall be guilty of a
3 ~~felony~~ misdemeanor. The penalty for a violation of this section
4 shall be provided in Section ~~§~~ 1692.8 of this ~~Act~~ title.

5 SECTION 3. AMENDATORY Provision No. 3, State Question
6 No. 687, Initiative Petition No. 365 (21 O.S. Supp. 2002, Section
7 1692.3), is amended to read as follows:

8 Section 1692.3 Every person who keeps any pit or other place,
9 or knowingly provides any equipment or facilities to be used in
10 permitting any cockfighting, upon conviction, shall be guilty of a
11 ~~felony~~ misdemeanor. The penalty for a violation of this section
12 shall be as provided in Section ~~§~~ 1692.8 of this ~~Act~~ title.

13 SECTION 4. AMENDATORY Provision No. 4, State Question
14 No. 687, Initiative Petition No. 365 (21 O.S. Supp. 2002, Section
15 1692.4), is amended to read as follows:

16 Section 1692.4 Every person who does any act or performs any
17 service in the furtherance of or to facilitate any cockfight, upon
18 conviction, shall be guilty of a ~~felony~~ misdemeanor. Such
19 activities and services specifically prohibited by this section
20 include, but are not limited to: promoting or refereeing of birds
21 at a cockfight, advertising a cockfight, or serving as a stakes
22 holder of any money wagered on any cockfight. The penalty for a

1 violation of this section shall be as provided in Section & 1692.8
2 of this Act title.

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

6 Section 1692.5 Every person who owns, possesses, keeps, or
7 trains any bird with the intent that such bird shall be engaged in a
8 cockfight, upon conviction, shall be guilty of a ~~felony~~ misdemeanor.
9 The penalty for a violation of this section shall be as provided in
10 Section & 1692.8 of this Act title.

11 SECTION 6. AMENDATORY Provision No. 8, State Question
12 No. 687, Initiative Petition No. 365 (21 O.S. Supp. 2002, Section
13 1692.8), is amended to read as follows:

14 Section 1692.8 ~~A. Every person who is guilty of a felony under~~
15 ~~any of the provisions of Section 2, 3, 4 or 5 of this Act shall be~~
16 ~~punished by imprisonment in the state penitentiary for not less than~~
17 ~~one (1) year nor more than ten (10) years, or shall be fined not~~
18 ~~less than two thousand dollars (\$2,000.00) nor more than twenty-five~~
19 ~~thousand dollars (\$25,000.00), or by both such fine and~~
20 ~~imprisonment.~~

21 ~~B. Every person who upon conviction is guilty of any of the~~
22 ~~provisions of Section 6 of this Act shall be punished by~~
23 ~~imprisonment in the county jail for not more than one (1) year, or~~

1 ~~shall be fined not more than five hundred dollars (\$500.00), or by~~
2 ~~both such fine and imprisonment~~ Any person convicted of violating
3 any provision of Sections 1692.2 through 1692.6 of this title shall
4 be guilty of a misdemeanor and shall be punished by imprisonment in
5 the county jail for a term of not more than one (1) year or by a
6 fine of not exceeding Five Hundred Dollars (\$500.00), or by both
7 such fine and imprisonment.

8 SECTION 7. It being immediately necessary for the preservation
9 of the public peace, health and safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

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

14 BALLOT TITLE
15 Legislative Referendum No. _____ State Question No. _____

16 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

17 This measure amends Sections 2, 3, 4, 5, and 8 of State Question
18 687. State Question 687 made cockfighting illegal. This
19 measure changes the penalties contained in State Question 687.
20 It changes all the penalties from felonies to misdemeanors. It
21 sets a fine or jail, or both fine and jail as the penalty. The
22 fine could not be more than \$500.00. The jail term could be not
23 longer than one year.

1 SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

2 YES, FOR THE AMENDMENT

3 NO, AGAINST THE AMENDMENT

4 SECTION 9. The Chief Clerk of the House of Representatives,
5 immediately after the passage of this act, shall prepare and file
6 one copy thereof, including the Ballot Title set forth in SECTION 8
7 hereof, with the Secretary of State and one copy with the Attorney
8 General.

9 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-2-03 - DO
10 PASS, As Amended and Coauthored.