

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

HOUSE BILL HB1784

By: Erwin

AS INTRODUCED

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.

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~~ misdemeanor. The penalty for a violation of this section shall be provided in Section ~~8~~ 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 cockfighting, upon conviction, shall be guilty of a ~~felony~~ misdemeanor. The penalty for a violation of this section shall be 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. 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 & 1692.8 of this ~~Act~~ title.

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~~ misdemeanor. The penalty for a violation of this section shall be as provided in Section & 1692.8 of this ~~Act~~ title.

SECTION 6. 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 1692.6 of this title shall be guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred Dollars (\$500.00).

SECTION 7. 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.

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, and 8 of State Question 687. State Question 687 made cockfighting illegal. This measure changes the penalties contained in State Question 687. It changes all the penalties from felonies to misdemeanors. It sets a fine as the penalty. 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 Chief Clerk of the House of Representatives, immediately after the passage of this act, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION 8

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

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