

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

FLOOR SUBSTITUTE FOR
SENATE JOINT
RESOLUTION NO. 44

By: Shurden of the Senate

and

Turner of the House

FLOOR SUBSTITUTE

[Joint Resolution - legislative referendum -
cockfighting - codification - ballot title - filing]

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
2ND SESSION OF THE 50TH OKLAHOMA LEGISLATURE:

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 General
Election.

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 40 of Title 19, unless there is
created a duplication in numbering, reads as follows:

Notwithstanding any provision of Sections 1692.2, 1692.3,
1692.4, 1692.5 and 1692.6 of Title 21 of the Oklahoma Statutes,
relating to cockfighting, every county of this state is hereby
granted the option and is authorized to allow cockfighting after a
countywide election affirms the same by a majority of the voters of
the county, voting on the question at an election called for that
purpose. The question whether to allow cockfighting may be placed
on any county election ballot as provided by law for other county
questions to be put to a vote of the people of such county.

SECTION 3. AMENDATORY Section 2, State Question No. 687, Initiative Petition No. 365 (21 O.S. Supp. 2005, Section 1692.2), is amended to read as follows:

Section 1692.2 ~~Every~~ Except as authorized by Section 2 of this act, 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 as provided in Section § 1692.8 of this ~~act~~ title.

SECTION 4. AMENDATORY Section 3, State Question No. 687, Initiative Petition No. 365 (21 O.S. Supp. 2005, Section 1692.3), is amended to read as follows:

Section 1692.3 ~~Every~~ Except as authorized by Section 2 of this act, 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 as provided in Section § 1692.8 of this ~~act~~ title.

SECTION 5. AMENDATORY Section 4, State Question No. 687, Initiative Petition No. 365 (21 O.S. Supp. 2005, Section 1692.4), is amended to read as follows:

Section 1692.4 ~~Every~~ Except as authorized by Section 2 of this act, 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. 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 6. AMENDATORY Section 5, State Question No. 687, Initiative Petition No. 365 (21 O.S. Supp. 2005, Section 1692.5), is amended to read as follows:

Section 1692.5 ~~Every~~ Except as authorized by Section 2 of this act, 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 as provided in Section ~~&~~ 1692.8 of this ~~act~~ title.

SECTION 7. AMENDATORY Section 6, State Question No. 687, Initiative Petition No. 365 (21 O.S. Supp. 2005, Section 1692.6), is amended to read as follows:

Section 1692.6 ~~Every~~ Except as authorized by Section 2 of this act, 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.

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:

Cockfighting is currently against the law in every county of this state. This measure allows people in each county to vote on cockfighting. Cockfighting would be legal in a county if most of the people voting in that county voted to allow cockfighting.

SHALL THIS ACT BE APPROVED BY THE PEOPLE?

- YES, FOR THE ACT
 NO, AGAINST THE ACT

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

legislative referendum, including the Ballot Title set forth in SECTION 8, with the Secretary of State and one copy with the Attorney General.

50-2-3663

RWT

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