

AN ACT

relating to creating an offense for engaging in certain conduct relating to cockfighting.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 42, Penal Code, is amended by adding Section 42.105 to read as follows:

Sec. 42.105. COCKFIGHTING. (a) In this section:

(1) "Bridle" means a leather device designed to fit over the head and beak of a cock to prevent the cock from injuring another cock.

(2) "Cock" means the male of any type of domestic fowl.

(3) "Cockfighting" means any situation in which one cock attacks or fights with another cock.

(4) "Gaff" means an artificial steel spur designed to attach to the leg of a cock to replace or supplement the cock's natural spur.

(5) "Slasher" means a steel weapon resembling a curved knife blade designed to attach to the foot of a cock.

(b) A person commits an offense if the person knowingly:

(1) causes a cock to fight with another cock;

(2) participates in the earnings of a cockfight;

(3) uses or permits another to use any real estate, building, room, tent, arena, or other property for cockfighting;

(4) owns or trains a cock with the intent that the cock

1 be used in an exhibition of cockfighting;

2 (5) manufactures, buys, sells, barter, exchanges,
3 possesses, advertises, or otherwise offers a gaff, slasher, or
4 other sharp implement designed for attachment to a cock with the
5 intent that the implement be used in cockfighting; or

6 (6) attends as a spectator an exhibition of
7 cockfighting.

8 (c) It is an affirmative defense to prosecution under this
9 section that the actor's conduct:

10 (1) occurred solely for the purpose of or in support of
11 breeding cocks for poultry shows in which a cock is judged by the
12 cock's physical appearance; or

13 (2) was incidental to collecting bridles, gaffs, or
14 slashers.

15 (d) An affirmative defense to prosecution is not available
16 under Subsection (c) if evidence shows that the actor is also
17 engaged in use of the cocks for cockfighting.

18 (e) It is a defense to prosecution for an offense under this
19 section that:

20 (1) the actor was engaged in bona fide experimentation
21 for scientific research; or

22 (2) the conduct engaged in by the actor is a generally
23 accepted and otherwise lawful animal husbandry or agriculture
24 practice involving livestock animals.

25 (f) It is an exception to the application of Subsection
26 (b)(6) that the actor is 15 years of age or younger at the time of
27 the offense.

1 (g) An offense under Subsection (b)(1) or (2) is a state
2 jail felony. An offense under Subsection (b)(3), (4), or (5) is a
3 Class A misdemeanor. An offense under Subsection (b)(6) is a Class
4 C misdemeanor, except that the offense is a Class A misdemeanor if
5 it is shown on the trial of the offense that the person has been
6 previously convicted of an offense under that subdivision.

7 SECTION 2. This Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I certify that H.B. No. 1043 was passed by the House on May 12, 2011, by the following vote: Yeas 121, Nays 23, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1043 on May 26, 2011, by the following vote: Yeas 129, Nays 12, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1043 was passed by the Senate, with amendments, on May 24, 2011, by the following vote: Yeas 26, Nays 5.

Secretary of the Senate

APPROVED: _____

Date

Governor