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H.B. No. 1043

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

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

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

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

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

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

21 (2) participates in the earnings of or operates a
22 facility used for cockfighting;

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

1 (4) owns or trains a cock with the intent that the cock
2 be used in an exhibition of cockfighting;

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

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

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

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

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

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

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

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

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

26 (f) An offense under Subsection (b)(1), (2), (3), or (5) is
27 a state jail felony. An offense under Subsection (b)(4) is a Class

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

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