

1-1 By: Christian, et al. (Senate Sponsor - Lucio) H.B. No. 1043  
1-2 (In the Senate - Received from the House May 13, 2011;  
1-3 May 13, 2011, read first time and referred to Committee on Criminal  
1-4 Justice; May 21, 2011, reported favorably by the following vote:  
1-5 Yeas 4, Nays 2; May 21, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to creating an offense for engaging in certain conduct  
1-9 relating to cockfighting.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Chapter 42, Penal Code, is amended by adding  
1-12 Section 42.105 to read as follows:

1-13 Sec. 42.105. COCKFIGHTING. (a) In this section:

1-14 (1) "Bridle" means a leather device designed to fit  
1-15 over the head and beak of a cock to prevent the cock from injuring  
1-16 another cock.

1-17 (2) "Cock" means the male of any type of domestic fowl.

1-18 (3) "Cockfighting" means any situation in which one  
1-19 cock attacks or fights with another cock.

1-20 (4) "Gaff" means an artificial steel spur designed to  
1-21 attach to the leg of a cock to replace or supplement the cock's  
1-22 natural spur.

1-23 (5) "Slasher" means a steel weapon resembling a curved  
1-24 knife blade designed to attach to the foot of a cock.

1-25 (b) A person commits an offense if the person knowingly:

1-26 (1) causes a cock to fight with another cock;

1-27 (2) participates in the earnings of or operates a  
1-28 facility used for cockfighting;

1-29 (3) uses or permits another to use any real estate,  
1-30 building, room, tent, arena, or other property for cockfighting;

1-31 (4) owns or trains a cock with the intent that the cock  
1-32 be used in an exhibition of cockfighting;

1-33 (5) manufactures, buys, sells, barter, exchanges,  
1-34 possesses, advertises, or otherwise offers a gaff, slasher, or  
1-35 other sharp implement designed for attachment to a cock with the  
1-36 intent that the implement be used in cockfighting; or

1-37 (6) attends as a spectator an exhibition of  
1-38 cockfighting.

1-39 (c) It is an affirmative defense to prosecution under this  
1-40 section that the actor's conduct:

1-41 (1) occurred solely for the purpose of or in support of  
1-42 breeding cocks for poultry shows in which a cock is judged by the  
1-43 cock's physical appearance; or

1-44 (2) was incidental to collecting bridles, gaffs, or  
1-45 slashers.

1-46 (d) An affirmative defense to prosecution is not available  
1-47 under Subsection (c) if evidence shows that the actor is also  
1-48 engaging in use of the cocks for cockfighting.

1-49 (e) It is a defense to prosecution for an offense under this  
1-50 section that:

1-51 (1) the actor was engaged in bona fide experimentation  
1-52 for scientific research; or

1-53 (2) the conduct engaged in by the actor is a generally  
1-54 accepted and otherwise lawful animal husbandry or agriculture  
1-55 practice involving livestock animals.

1-56 (f) An offense under Subsection (b)(1), (2), (3), or (5) is  
1-57 a state jail felony. An offense under Subsection (b)(4) is a Class  
1-58 A misdemeanor. An offense under Subsection (b)(6) is a Class C  
1-59 misdemeanor, except that the offense is a Class A misdemeanor if it  
1-60 is shown on the trial of the offense that the person has been  
1-61 previously convicted of an offense under that subdivision.

1-62 SECTION 2. This Act takes effect September 1, 2011.

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