**A** **BILL**

TO AMEND SECTION 16‑17‑650, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COCKFIGHTING, SO AS TO CREATE THE ADDITIONAL OFFENSES OF ADMITTING A MINOR OR CAUSING A MINOR TO BE ADMITTED TO A PLACE WHERE A COCKFIGHT, GAME FOWL FIGHT, OR ILLEGAL GAME FOWL TESTING TAKES PLACE, ILLEGAL POSSESSION, OWNERSHIP, PURCHASE, SALE, TRANSFER, OR MANUFACTURE OF COCKFIGHTING, GAME FOWL FIGHTING, OR ILLEGAL GAME FOWL TESTING PARAPHERNALIA, AND ILLEGAL OWNERSHIP OR POSSESSION OF ANY COCK OR GAME FOWL WITH INTENT TO ENGAGE IN COCKFIGHTING, GAME FOWL FIGHTING, OR ILLEGAL GAME FOWL TESTING, AND TO PROVIDE PENALTIES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 16‑17‑650 of the 1976 Code, as last amended by Act 345 of 2006, is further amended to read:

“Section 16‑17‑650. (A) A person who engages in or is present at cockfighting ~~or~~, game fowl fighting, or illegal game fowl testing is guilty of a:

(1) misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year for a first offense; or

(2) misdemeanor and, upon conviction, must be fined not more than three thousand dollars or imprisoned not more than three years for a second or subsequent offense.

(B) A person who admits a minor to a place where any cockfight, game fowl fight, or illegal game fowl testing is advertised or represented to take place, or where preparations are being made for the purpose of such fighting or testing, with knowledge that those preparations are being made or that such fighting or testing is taking or is about to take place, or who sells or gives to a minor a ticket or other paper by which that minor may be admitted, or who otherwise causes a minor to be admitted to such place, is guilty of a misdemeanor and, upon conviction, must be fined not more than three thousand dollars or imprisoned not more than three years.

(C) A person who intentionally possesses, owns, buys, sells, transfers, or manufactures paraphernalia for cockfighting, game fowl fighting, or illegal game fowl testing with the intent to engage in or otherwise promote or facilitate such fighting or testing is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year.

For purposes of this subsection, ‘paraphernalia’ means equipment, products, implements, and materials of any kind that are used, intended for use, or designed for use in the training, preparation, conditioning, or furtherance of the fighting of a cock or game fowl against another and includes, but is not limited to, the following: gaffs, slashers, heels, or any other sharp implement designed to be attached in place of the natural spur of a cock or game fowl.

(D) A person who intentionally owns, possesses, or keeps any cock or game fowl with the intent that such cock or game fowl engage in cockfighting, game fowl fighting, or illegal game fowl testing is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year.

(E) For purposes of this section, ‘illegal game fowl testing’ means allowing game fowl to engage in physical combat:

(1) with or without spurs or other artificial items while in the presence of more than five spectators;

(2) under any circumstances while employing spurs or other artificial items or with the injection or application of a stimulant substance; or

(3) for purposes of or in the presence of wagering or gambling.

~~(C)~~(F) A person who violates the provisions of subsection (A)(1) must be tried exclusively in summary court.

~~(D)~~(G) A person who violates the provisions of subsection (A)(2) is subject to the forfeiture of monies, negotiable instruments, and securities specifically gained or used to engage in or further a violation of this section pursuant to Section 16‑27‑55.

~~(E)~~(H) All game fowl breeders and game fowl breeder testing facilities must comply with the Department of Health and Environmental Control and the State Veterinarian’s regulations, policies, and procedures regarding avian influenza preparedness and testing. In the event of an avian influenza outbreak in South Carolina, all game fowl breeders and game fowl breeder testing facilities must allow the Department of Health and Environmental Control and the State Veterinarian to conduct avian influenza testing of all game fowl.”

SECTION 2. This act takes effect upon approval by the Governor.

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