**A** **BILL**

TO AMEND SECTION 16-17-650, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COCKFIGHTING, SO AS TO INCREASE THE FINES AND PENALTIES FOR THE OFFENSE, CREATE A NEW OFFENSE OF BEING PRESENT AT A STRUCTURE, FACILITY, OR LOCATION WHERE COCKFIGHTING IS TAKING PLACE, AND TO PROVIDE AN EXCEPTION FOR MINORS PRESENT WHEN COCKFIGHTING IS TAKING PLACE UNDER CERTAIN CIRCUMSTANCES.

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 less than five hundred dollars but not more than one thousand dollars or imprisoned not more than one year for a first offense; or

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

(B) ~~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~~ A person who is present at any structure, facility, or location where preparations are being made for the purpose of cockfighting with knowledge that those preparations are being made or with knowledge that cockfighting is taking place or is about to take place there is guilty of a:

(1) misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than six months, or both, for a first offense;

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

(3) felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years, or both, for a third or subsequent offense.

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

~~(D)~~ A person who violates the provisions of ~~subsection (A)(2)~~ this section 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)~~(D) 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.

(E) A minor who is under the age of eighteen who is present at a cockfighting or game fowl fighting structure, facility, or location may not be charged with a violation of the provisions of subsection (B) if he is brought there by a parent, guardian, or other adult with responsibility over him.

(F) For the purposes of this section, ‘cockfighting’ and ‘game fowl fighting’ means an attack with violence by a game fowl against another game fowl.”

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

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