

1 HB758
2 120491-1
3 By Representative Fields
4 RFD: Agriculture and Forestry
5 First Read: 23-MAR-10

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8 SYNOPSIS: Existing law provides for the crime of
9 keeping a cockpit and cockfighting.

10 This bill would further provide for the
11 crime of owning or operating a cockpit with
12 penalties and would fine a spectator or a person in
13 attendance.

14 Amendment 621 of the Constitution of Alabama
15 of 1901, now appearing as Section 111.05 of the
16 Official Recompilation of the Constitution of
17 Alabama of 1901, as amended, prohibits a general
18 law whose purpose or effect would be to require a
19 new or increased expenditure of local funds from
20 becoming effective with regard to a local
21 governmental entity without enactment by a 2/3 vote
22 unless: it comes within one of a number of
23 specified exceptions; it is approved by the
24 affected entity; or the Legislature appropriates
25 funds, or provides a local source of revenue, to
26 the entity for the purpose.

1 The purpose or effect of this bill would be
2 to require a new or increased expenditure of local
3 funds within the meaning of the amendment. However,
4 the bill does not require approval of a local
5 governmental entity or enactment by a 2/3 vote to
6 become effective because it comes within one of the
7 specified exceptions contained in the amendment.

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9 A BILL
10 TO BE ENTITLED
11 AN ACT

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13 To amend Section 13A-12-4 of the Code of Alabama
14 1975, relating to keeping a cockpit and cockfighting; to
15 further provide for the crime of owning or operating a cockpit
16 with penalties; to fine a spectator or person in attendance;
17 and in connection therewith would have as its purpose or
18 effect the requirement of a new or increased expenditure of
19 local funds within the meaning of Amendment 621 of the
20 Constitution of Alabama of 1901, now appearing as Section
21 111.05 of the Official Recompilation of the Constitution of
22 Alabama of 1901, as amended.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Section 13A-12-4 of the Code of Alabama
25 1975, is amended to read as follows:

26 "§13A-12-4.

1 "Any person who ~~keeps a cockpit or who in any public~~
2 ~~place fights cocks shall, on conviction, be fined not less~~
3 ~~than \$20.00 nor more than \$50.00. owns or operates a cockpit,~~
4 ~~upon conviction, is guilty of a Class A misdemeanor with a~~
5 ~~fine of not less than ten thousand dollars (\$10,000). Any~~
6 ~~spectator or person in attendance shall be fined one thousand~~
7 ~~dollars (\$1,000)."~~

8 Section 2. Although this bill would have as its
9 purpose or effect the requirement of a new or increased
10 expenditure of local funds, the bill is excluded from further
11 requirements and application under Amendment 621, now
12 appearing as Section 111.05 of the Official Recompilation of
13 the Constitution of Alabama of 1901, as amended, because the
14 bill defines a new crime or amends the definition of an
15 existing crime.

16 Section 3. This act shall become effective on the
17 first day of the third month following its passage and
18 approval by the Governor, or its otherwise becoming law.