



DIANNE JACOB
SUPERVISOR, SECOND DISTRICT
SAN DIEGO COUNTY BOARD OF SUPERVISORS

AGENDA ITEM

DATE: May 10, 2011

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TO: Board of Supervisors

SUBJECT: SUPPORT FOR SENATE BILL 425 (CALDERON) – TOUGHER PENALTIES FOR COCKFIGHTING

SUMMARY:

Overview

Senate Bill 425 (SB 425) would establish minimum fines and penalties for specific dogfighting and cockfighting violations. It would also allow for the forfeiture of property that was purchased with means gained through cockfighting, which is currently applicable to dogfighting.

The minimum fines and penalties for cockfighting would apply to the possession, sale or manufacturing of cockfighting paraphernalia such as “gaffs” and slashers, and owning, possessing, keeping, or training any bird or other animal with the intent to use the animal for fighting. Furthermore, it would increase the minimum fine if a minor is convicted of attending a cockfight, or in the case of those who admit a minor to a cockfight.

In addition to this request to support SB 425, today’s action would also support state and federal legislative efforts to increase the penalty for illegal animal fighting from a misdemeanor to a felony, including being a spectator at a dogfight or cockfight.

Recommendation(s)

SUPERVISOR JACOB

1. Direct the Chief Administrative Officer (CAO) to draft a letter communicating this Board of Supervisors’ support of Senate Bill 425 to San Diego County’s legislative representatives in Sacramento and to the appropriate members of the State Legislature and Administration.
2. Direct the CAO to include support in the County’s Legislative Program for state or federal legislative efforts that would increase the penalty to a felony for owning, keeping, possessing or training any bird or dog with the intent that such an animal shall be engaged in an exhibition of fighting.
3. Direct the CAO to include in the County’s Legislative Program support for state or

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federal legislative efforts that would increase the penalty for any spectator, including minors, who visit or attend an exhibition of animal fighting from a misdemeanor to a felony. |

Fiscal Impact

There is no fiscal impact associated with these recommendations.

Business Impact Statement

N/A

Advisory Board Statement

N/A

BACKGROUND:

The cruel practice of fighting roosters continues to be a significant problem nationwide. San Diego County has been a hotbed for this appalling and illegal activity. Several recent, high profile cases have brought attention to the insidious “sport” of exhibiting animals for fighting.

Due to tougher laws in nearby states such as Arizona and Oregon, there has been a rise in the number of people moving lucrative illegal cockfighting activity to counties throughout California, including San Diego County. Furthermore, birds are routinely shipped across state lines into San Diego with the intent to breed and fight these birds with more aggressive bloodlines.

Birds used for fighting pose a significant danger to other animals and people since they have been bred and trained for heightened aggression. These birds once seized are often injured from fighting or too aggressive for rehabilitation so they must be euthanized. Furthermore, birds used for breeding are bred to be more aggressive and are often euthanized to destroy the fighting bloodline.

Senate Bill 425 (SB 425) would establish minimum fines and penalties for specific dogfighting and cockfighting violations. It would also allow for the forfeiture of property purchased with means gained through cockfighting, which is currently applicable to dogfighting.

The minimum fines and penalties for cockfighting include the possession, sale or manufacturing of cockfighting paraphernalia such as “gaffs” and slashers, and owning, possessing, keeping, or training any bird or other animal with the intent to use the animal for fighting. Furthermore, it would increase the minimum fine if a minor is convicted of attending a cockfight, or in the case of those who admit a minor to a cockfight.

California treats cockfighting as a wobbler offense, so it can be charged as a felony or misdemeanor, and is sometimes charged as a felony when a perpetrator is charged for a second offense. Since it is not a felony under California law to be a spectator at a cockfight, it is difficult for law enforcement to criminally charge spectators caught during cockfighting raids

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since participants routinely abandon their birds and claim they were only present to watch the fights. Law enforcement should be able to charge both the perpetrator and spectator with a felony for a first offense.

This is a request to support SB 425 and to include in the County's Legislative Program support for state and federal legislative efforts to increase the penalty for illegal animal fighting from a misdemeanor to a felony, including being a spectator at a dogfight or cockfight.

I urge your support.

Respectfully submitted,

DIANNE JACOB
Supervisor, Second District

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AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: Yes No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED
 Yes No

PREVIOUS RELEVANT BOARD ACTIONS:
N/A

BOARD POLICIES APPLICABLE:
N/A

BOARD POLICY STATEMENTS:
N/A

MANDATORY COMPLIANCE:
N/A

ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION NUMBER(S):
N/A

ORIGINATING DEPARTMENT: District 2, Board of Supervisors

OTHER CONCURRENCE(S): N/A

CONTACT PERSON(S):

Amber Tarrac	_____	_____	
Name	_____	Name	_____
619-531-5522	_____	Phone	_____
Phone	_____	Phone	_____
_____	_____	Fax	_____
Fax	_____	Fax	_____
_____	_____	Mail Station	_____
Mail Station	_____	Mail Station	_____
Amber.tarrac@sdcounty.ca.gov	_____	E-mail	_____
E-mail	_____	E-mail	_____