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## FISCAL IMPACT REPORT

	<b>ORIGINAL DATE</b>	1/26/07	
<b>SPONSOR</b> Garcia, M.J.	<b>LAST UPDATED</b>	2/26/07	<b>HB</b>
			10/aSJC/aSFL#1,#2,#3
<b>SHORT TITLE</b> Prohibit Cockfighting			<b>SB</b> /aHAGC
			<b>ANALYST</b> Ortiz

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates SB70

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the District Attorneys (AODA)

Administrative Office of the Courts (AOC)

Corrections Department

Public Defender Department (PDD)

### SUMMARY

#### Synopsis of HAGC Amendment

House Agriculture and Water Resources Committee amendment revises the penalties and states that any person violating the provisions of Subsection A or B of this section as it pertains to cocks: (1) upon a first conviction, is guilty of a petty misdemeanor; (2) upon a second conviction, is guilty of a misdemeanor; and (3) upon a third and subsequent conviction is guilty of a fourth degree felony.

#### Synopsis of SFI#3 Amendment

Strikes the Senate Floor Amendment #3 eliminating the Senate Judiciary Committee amendment. Replaces Senate Floor Amendment “changing penalties” with “Any person violating the provisions of Subsection A or B of this section as it pertains to cocks.”

Synopsis of SFl#2 Amendment

Senate Floor Amendment #2 to SCONC/SJC/SB 10 as amended, adds the word “dog” to specify the type of the contest.

Synopsis of SFl#1 Amendment

Senate Floor Amendment #1 to SCONC/SJC/SB 10 as amended, strikes all senate judiciary committee amendments and changes the penalties so that a first conviction is guilty of a petty misdemeanor; a second conviction is guilty of a misdemeanor; and adds upon a third and subsequent conviction.

Synopsis of SJC Amendment

Senate Judiciary Committee Amendment #1 clarify that a person violating the provisions of Subsection A or B of this section is guilty of a fourth degree felony as it pertains to dogs.

Synopsis of Original Bill

Senate Bill 10 amends Section 30-18-1 NMSA 1978 by deleting section K., which states “The provisions of this section shall not be interpreted to prohibit cockfighting in New Mexico.”

Senate Bill 10 also amends Section 30-18-9, which concerns penalties related to dog fighting, so that all such penalties also apply to cockfighting, making violation of the act a fourth degree felony. It would thus be unlawful to cause, sponsor, arrange, hold, or participate in a cockfight for monetary gain or entertainment. It would also be unlawful to be present without attempting to stop the fight, or owning or equipping one of the roosters with knowledge of the upcoming fight.

**SIGNIFICANT ISSUES**

Although, there are some countries where cockfighting exists, there are only two states in the U.S. that do not ban cockfighting, New Mexico and Louisiana. Local ordinances in 13 counties and 28 municipalities in New Mexico have passed ordinances outlawing cockfighting.

Cockfighting remains an unregulated industry but supporters of cockfighting suggest that it generates an economic benefit of \$50 million per year to the state and that the conduct of cockfighting is a private activity.

Opposition to cockfighting argue that it perpetuates violence in our communities and that there is a link between cruelty to animals and violence toward humans.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Duplicates SB70

**POSSIBLE QUESTIONS**

1. Is cockfighting a licensed industry?
2. If cockfighting is considered a sport, should it be regulated?
3. Does cockfighting generate revenue for the state, e.g., gross receipts taxes?
4. What benefit does cockfighting provide to the state?

EO/nt