**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 PENALTIES FOR THE OFFENSE AND TO PROVIDE THAT A MINOR MAY NOT BE CHARGED WITH A VIOLATION OF THE SECTION 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 or who possesses birds for the purpose of cockfighting or game fowl fighting is guilty of a:

(1) ~~misdemeanor~~ felony and, upon conviction, must be fined not less than five hundred dollars but not more than one thousand dollars or imprisoned not less than six months but not more than ~~one year~~ five years 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 less than one year but 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.~~

~~(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)~~ (C) A minor who is under the age of eighteen who is present at a cockfighting or game fowl fighting or illegal game fowl testing may not be charged with a violation of the provisions of this section if he is brought to an event as described in subsection (A) by a parent, guardian, or other adult with responsibility over him.

(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.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. This act takes effect upon approval by the Governor.

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