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FISCAL IMPACT REPORT

SPONSOR MJ Garcia DATE TYPED 2/17/05 HB

SHORT TITLE Prohibit Cockfighting SB 65

ANALYST Wilson

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			See Narrative		

Duplicates SB 66

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General's Office (AGO)
 Corrections Department (CD)

SUMMARY

Synopsis of Bill

Senate Bill 65 amends existing law that has dog fighting as a fourth degree felony to include cockfighting for monetary gain or entertainment as a fourth degree felony. Being present at a cockfight, owning a participating cock, or training one to participate in a fight will be penalized as a fourth degree felony.

Significant Issues

Cockfighting is an activity that has drawn intense comments from both the proponents of the sport and the opponents.

Proponents argue that cockfighting is a sport, part of the heritage of a culture group and the views of opponents should not be imposed on those who favor a continuation of the sport. A pamphlet produced by the New Mexico Game Fowl Breeders Association and the New Mexico Game Fowl Fanciers Association claim the sport is a \$50 million a year activity that produces economic benefits to the state. The Association, according to the pamphlet, the group has a

membership of 2,500 members. Proponents consider the conduct of cockfights a private activity.

Animal rights groups, who are opposed to cockfighting, argue that:

- Cockfighting perpetuates violence in our communities and that there is an undeniable link between cruelty to animals and violence toward humans.
- Cocks are creatures who do not have the capacity to consent to engage in the self-destructive behavior of fighting

Some high profile personalities opposed to cockfighting have publicly endorsed the banning of cockfights and have suggested that cockfighting could make attracting the film industry to New Mexico more difficult.

The Vice President of Governmental Affairs for the Association of Commerce and Industry writes:

“...there are only two states left that endorse the blood sport. It's inevitable that either New Mexico or Louisiana will be the *only* state where the barbaric practice is legal. In a state like New Mexico, which is so concerned about its national image these days, it's surprising there hasn't been a stronger movement to abolish cockfights sooner, especially with polls showing up to 80 percent of the population opposed to it. Most western states outlawed it in the early 1900s, after its popularity died off after the Civil War.”

Cockfighting is banned in 13 New Mexico counties including Bernalillo and in 28 municipalities including Albuquerque.

FISCAL IMPLICATIONS

There is no appropriation in the bill. The AGO and CD report the bill could increase costs to the CD as a result of the new crime. However, the number of convictions is likely to be minimal

DUPLICATION

SB65 duplicates SB 66.

POSSIBLE QUESTIONS

1. If cockfighting is a sport, should it be regulated like all other sports?
2. Does conduct of the sport generate revenue for the state, e.g., gross receipts taxes?
3. Does the conduct of a cockfight require a license from a municipality or county governing board? Should there be such a requirement?
4. At cockfights, does anyone sell foodstuffs or beverages (sodas)? If so, are gross receipts taxes assessed and transmitted to the state's Taxation and Revenue Department?
5. What economic development benefits accrue to the state from the sport of cock fighting?