



ARKANSAS SENTENCING COMMISSION

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Impact Assessment for HB1611 Sponsored by Representative Gonzales

Subtitle TO CREATE THE OFFENSE OF UNLAWFUL ROOSTER FIGHTING

Impact Summary¹ Minimal. While the proposed bill creates a new felony criminal offense for which the likely number of occurrences is unknown, there are currently zero (0) offenders serving a sentence in the Division of Correction for similar conduct.

Change from Current Law² Amends Title 5 of Arkansas Code Annotated (A.C.A.) by adding new section A.C.A. § 5-62-128, Unlawful rooster fighting. Under the proposed bill, a violation of A.C.A. § 5-62-128 in the 1st degree is a Class D felony, and a violation of A.C.A. § 5-62-128 in the 2nd degree is a Class A misdemeanor. Under current law, a violation of A.C.A. § 5-62-120, Unlawful animal fighting, 1st degree is a Class D felony, and a violation of A.C.A. § 5-62-120, Unlawful animal fighting, 2nd degree is a Class A misdemeanor. Both include roosters in the definition of “animal fighting.”

Impact Information The proposed bill creates a new felony offense, the likely number of occurrences of which cannot be determined. The proposed criminal offense contains similar elements with A.C.A. § 5-63-120, Unlawful animal fighting. [See attached for complete reproduction] The following data is for informational purposes only.

The Administrative Office of the Courts (AOC) reports that for the three (3) year period beginning January 1, 2022 and ending December 31, 2024, there were zero (0) convictions for a violation of A.C.A. § 5-62-120, Unlawful animal fighting. A violation of A.C.A. § 5-62-120 in the 1st degree is a Class D felony, and a violation of A.C.A. § 5-62-120 in the 2nd degree is a Class A misdemeanor. It is important to note that misdemeanors are often disposed of in District Court, and that not all district courts report data to the AOC. For this reason, the number of misdemeanor convictions is likely higher than reported.

The Division of Correction (ADC) reports that there are currently zero (0) offenders serving a sentence for A.C.A. § 5-62-120, Unlawful animal fighting.

While the impact of the creation of a new felony offense cannot be determined with certainty, the lack of reported convictions and sentences for existing similar conduct makes it unlikely that the proposed bill will have anything more than a minimal impact on existing correctional resources.

¹ This impact assessment was prepared 3/10/2025 11:54 AM by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Department of Corrections and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: “minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC costs; and “major” = would require budgetary increases for ADC costs and construction costs for additional beds.

² Standard punishment ranges:

Class Y 10-40 years or life
Class A 6-30 years; up to \$15,000
Class B 5-20 years; up to \$15,000

Class C 3-10 years; up to \$10,000
Class D 0-6 years; up to \$10,000
Unclassified As specified in statute

Misdemeanors

Class A Up to 1 year; up to \$2,500
Class B Up to 90 days; up to \$1,000
Class C Up to 30 days; up to \$500

Document: A.C.A. § 5-62-120

A.C.A. § 5-62-120

Copy Citation

Current through all legislation of the 2024 Fiscal Session and the Second Extraordinary Session (2024)

[Arkansas Code Annotated PAW - ET Table of Contents](#) [Title 5 Criminal Offenses](#) [Subtitle 6. Offenses Against Public Health, Safety, or Welfare](#) [Chapter 62 Animals](#) [Subchapter 1 — General Provisions](#)

5-62-120. Unlawful animal fighting.

(a)

(1) A person commits the offense of unlawful animal fighting in the first degree if he or she knowingly:

- (A)** Promotes, engages in, or is employed at animal fighting;
- (B)** Receives money for the admission of another person to a place kept for animal fighting; or
- (C)** Sells, purchases, possesses, or trains an animal for animal fighting.

(2) Unlawful animal fighting in the first degree is a Class D felony.

(b)

(1) A person commits the offense of unlawful animal fighting in the second degree if he or she knowingly:

- (A)** Purchases a ticket of admission to or is present at an animal fight; or
- (B)** Witnesses an animal fight if it is presented as a public spectacle.
- (2)** Unlawful animal fighting in the second degree is a Class A misdemeanor.

(c) Upon the arrest of any person for violating a provision of this section, the arresting law enforcement officer or animal control officer may seize and take custody of all animals in the possession of the arrested person.

(d)

(1) Upon the conviction of any person for violating a provision of this section, any court of competent jurisdiction may order the forfeiture by the convicted person of all animals the use of which was the basis of the conviction.

(2) Any animal ordered forfeited under a provision of this subsection shall be placed with an appropriate place of custody or an animal control agency.

(e) In addition to the fines, penalties, and forfeitures imposed under this section, the court may require the defendant to make restitution to the state, any of its political subdivisions, or an appropriate place of custody for housing, feeding, or providing medical treatment to an animal used for unlawful animal fighting.

(f) As used in this section, “animal fighting” means fighting between roosters or other birds or between dogs, bears, or other animals.

History

Acts 1981, No. 862, § 1; A.S.A. 1947, § 41-2918.1; Acts 1987, No. 26, § 1; 1989, No. 528, § 1; 2009, No. 33, § 6.

Arkansas Code of 1987 Annotated Official Edition

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