

Date of Hearing: March 26, 2025

ASSEMBLY COMMITTEE ON AGRICULTURE
Esmeralda Soria, Chair
AB 928 (Rogers) – As Introduced February 19, 2025

SUBJECT: Roosters: restrictions

SUMMARY: This bill would prohibit a person from keeping or raising more than 3 roosters per acre, or 25 roosters total on any property, except as specified and would subject a person who violates this prohibition to a civil penalty not to exceed \$2,500 for each violation, as provided. Specifically, *this bill*:

- 1) Makes legislative findings and declarations that cockfighting is illegal in California, but continues to persist throughout the state because it is difficult to prove roosters are possessed with the intent to fight them against each other. The three largest cockfighting seizures from 2000 to 2024 in the United States were in California, law enforcement officials attest that cockfighting is often associated with other criminal activities, such as drug trafficking, gun violence, illegal weapon sales, and violence against people, and gamefowl yards pose a significant risk to the spread of avian diseases.
- 2) Requires on and after January 1, 2027, a person shall not keep or raise more than 3 roosters per acre, or more than 25 roosters total, regardless of acreage, on any property.
- 3) Exempts the following:
 - a) A person who keeps or raises roosters for purposes of food production if the person is subject to local, state, or federal inspection laws or regulations.
 - b) A public or private school registered with the State Department of Education.
 - c) A government-operated animal shelter.
 - d) A nonprofit animal welfare organization, as defined in Section 6010.40 of the Revenue and Taxation Code.
 - e) A 4-H, Future Farmers of America (FFA), or State Grange project, if the 4-H, FFA, or State Grange has provided written approval for the project to the person keeping or raising the roosters.
 - f) A person who meets all of the following criteria:
 - i) Owns and breeds poultry for lawful exhibition in accordance with accepted poultry raising practices and all laws and regulations governing exhibition.
 - ii) Does not breed or raise poultry for purposes of making them available for cockfighting.
 - iii) Within the preceding 10 years, has not been convicted for any cockfighting offense pursuant to Section 597b of the Penal Code or Section 2156 of Title 7 of the United States Code, or any other cockfighting offense of any state.
 - iv) Is a certified participant in the National Poultry Improvement Plan, administered by the California Poultry Health Board pursuant to all federal and state program

standards.

- 4) Requires a person who violates this section to be liable for a civil penalty, not to exceed two thousand five hundred dollars (\$2,500) for each violation, that shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General, a district attorney, county counsel, city attorney, or city prosecutor in this state in any court of competent jurisdiction.
- 5) States that if the civil action is brought by the Attorney General, one-half of the penalty collected shall be paid to the treasurer of the county in which the judgment was entered, and one-half of the penalty collected shall be paid to the state's General Fund. If the civil action is brought by a district attorney or county counsel, the entire amount of the penalty collected shall be paid to the treasurer of the county in which the judgment was entered. If the civil action is brought by a city attorney or city prosecutor, one-half of the penalty shall be paid to the treasurer of the county in which the judgment was entered, and one-half of the penalty collected shall be paid to the treasurer of the city in which the judgment was entered.
- 6) Defines the following:
 - a) "Property" means a parcel, as defined in Section 9021 of the Streets and Highways Code, or a combination of parcels operated as one unit.
 - b) "Rooster" means a male chicken that meets any of the following criteria:
 - i) Is six months of age or older.
 - ii) Has full adult plumage.
 - iii) Is capable of crowing.

EXISTING LAW:

- 1) Prohibits a person from causing, permitting, or aiding or abetting the fighting, worrying, or injuring of a cock. Existing law provides that a violation of this provision is a misdemeanor, as provided. (*Penal Code (PEN) 598.1, 310, Civil Code 3482.2*)
- 2) Regulates, generally, the production of poultry, eggs, and egg products. (*Food and Ag Code 25401-26151*)
- 3) Prescribes various penalties for violations of those provisions. (*Pen 957.6, 957.9*)

FISCAL EFFECT: Unknown

COMMENTS: A cockfight is an organized fight between two roosters held in a ring called a cock pit. These birds called gamecocks are bred and conditioned for increased strength and stamina. Many of these birds have been pumped full of steroids and other drugs to increase their metabolism, which makes them stronger and harder to kill. A cock fight generally lasts from a few minutes to about a half hour. Although not all fights result in the death of the bird, resulting major trauma is quite common; this may later result in death. Wages are often placed on the birds during these matches.

As of 2023, cockfighting is illegal in all 50 U.S. states, the District of Columbia, and all U.S. territories. The last state to implement a state law banning cockfighting was Louisiana. As of 2013, cockfighting is a felony in 40 states and the District of Columbia, the possession of birds for fighting is prohibited in 39 states and the District of Columbia, being a spectator at a cockfight is prohibited in 43 states and the District of Columbia, and the possession of cockfighting implements is prohibited in 15 states.

Additionally, the 2014 farm bill contained a provision making it a federal crime to attend an animal fighting event or bring a child under the age of 16 to an animal fighting event.

According to the author, cockfighting is a barbaric and inexcusable criminal industry that profits from severe animal cruelty. Although the activity is illegal in every state and under federal law, it continues to be a widespread criminal industry in California and across the country. The most profitable aspect of this illegal industry is the trafficking of fighting birds from gamefowl yards across the country—and particularly California--where hundreds, if not thousands, of roosters are bred and sold for the purpose of fighting. These birds are raised outside with minimal shelter and sold domestically and internationally for hundreds or thousands of dollars per bird. Illegally trafficked fighting birds are a needless and significant risk to the poultry industry and public health given the current and potential impacts of avian flu and other avian diseases. This bill empowers law enforcement to proactively address this issue by establishing civil liability for those who traffic birds for fighting. This legislation will not infer with commercial poultry operations, poultry hobbyists, schools, animal agencies, and FFA and 4H projects. California must continue to lead the fight on animal cruelty and provide law enforcement with the tools they need to stop illegal cockfighting and bird trafficking operations. Modeled after existing California county ordinances, this bill will safeguard local communities from the cruelty, noise, avian disease, and criminal activities linked to cockfighting.

Supporters state although the cockfighting is illegal in every state and under federal law, cockfighting continues to be a widespread criminal industry in the US, and particularly in California. In fact, the USDA has estimated that cockfighting is a multi-million-dollar criminal industry in California that involves more than 3 million birds statewide.

Additionally, the three largest seizures of fighting birds in US history have all been in California. Cockfighting is a barbaric and inexcusable criminal industry that profits from animal cruelty. It involves pitting two roosters against one another, each with metal weapons attached to their legs to fight to the death for the spectators' entertainment. It is also often associated with other criminal activities such as drug trafficking, gang activity, and illegal weapon sales.

Gamefowl yards pose a higher risk for the spread of avian disease, including avian flu, because they are typically raised outside without protection from wild birds, transported without oversight, and often exposed to injured birds due to stressful fighting conditions. The National Chicken Council testified in support of the Federal Animal Fighting Prohibition Act calling cockfighting “an inhumane practice that presents a continuing threat to the health of commercial flocks.

Opponents state this bill does not address cockfighting, instead it is a blatant attempt to control the rights of the law-abiding citizens of this country and their private properties. The idea of the government restricting our rights to own and preserve heritage gamefowl, which we can legally

own and care for, is unacceptable. Furthermore, opponents state cockfighting misdemeanor charge and financial penalty for those who are caught illegally participating in cockfighting and related activities. These penalties are drastically insufficient to deter offenders, who find the small financial penalty paltry compared to the money they make from their illegal activities. In order to make inroads into illegal cockfighting activities this bill should focus on a proposal to change the current penal code for those who break the law. This legislation is not the way to change the behavior of current and future offenders. Current law is outdated and it is time to update the penalties outlined in Penal Code 597b.

REGISTERED SUPPORT / OPPOSITION:**Support**

Humane World for Animals (Sponsor)
Animal Legal Defense Fund
California Farm Bureau
California Poultry Federation
Humane Veterinary Medical Alliance (HUMANEVMA)
Social Compassion in Legislation

Opposition

Two individuals

Analysis Prepared by: Victor Francovich / AGRI. / (916) 319-2084