

7123 Library



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES M. CONDON
ATTORNEY GENERAL

April 10, 2001

Major Jody P. Rowland
Aiken County Sheriff's Office
420 Hampton Ave., NE
Aiken, South Carolina 29801

Re: Informal Opinion

Dear Major Rowland:

Thank you for your letter of March 16, 2001 that was referred to me for response. You have asked for clarification of the Farm Animals and Research Facilities Protection Act and the Animal Fighting and Baiting Act as they apply to local cock fighters in your area claiming they may "test" their birds against each other.

Cockfighting is explicitly proscribed by S.C. Code Ann. § 16-17-650 which states:

It shall be a misdemeanor for any person to engage in or be present at cockfighting in this State and any person found guilty shall be fined not exceeding one hundred dollars or imprisoned for not exceeding thirty days.

Therefore, these individuals may not "test" their birds against each other because to do so would be to "engage in" cockfighting which is specifically prohibited by this statute.

They may also not claim protection for such activity under S.C. Code Ann. § 47-21-10 *et seq.*, the Farm Animals and Research Facilities Protection Act, because that statute does not allow for the "testing" of any animals, it only provides penalties for unauthorized entry, damage, control or destruction of a research animal facility or other place where animals are housed. Furthermore, while S.C. Code Ann. § 16-27-10 *et seq.*, the Animal Fighting and Baiting Act does contain an exclusion of "game fowl," in § 16-27-60, cockfighting is specifically prohibited by S.C. Code Ann. § 16-17-650. Cockfighting is illegal in this State and to encourage such by claiming one is "testing" these birds, clearly is "engag[ing] in" cockfighting and therefore violates the law of this State.

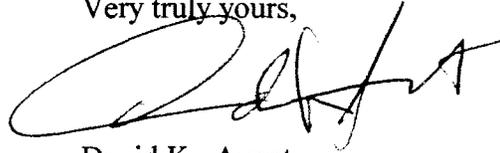
I hope the information provided herein proves helpful. Please contact me if you have any further questions. This letter is an informal opinion only. It has been written by an Assistant Attorney

Request Letter

Major Rowland
Page 2
April 10, 2001

General and represents the position of the undersigned as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor published in a manner of a formal opinion.

Very truly yours,

A handwritten signature in black ink, appearing to read "David K. Avant". The signature is fluid and cursive, with a large initial "D" and "A".

David K. Avant
Assistant Attorney General