

SUBJECT: Exempting trimming game fowls' wattles and combs from cruelty to animals

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 5 ayes — Place, Dunnam, Hinojosa, Keel, A. Reyna

2 nays — Talton, Galloway

1 present, not voting — Nixon

1 absent — Farrar

WITNESSES: For — Billy Clayton and Tim Frantzen, Citizens for the Preservation of Rural Lifestyles; Gene Hill, Texas Gamefowl Breeders Association and Citizens for the Preservation of Rural Lifestyles; Dean Hodges, Sherry Spates, Sharon McFarlane

Against — James Bias, Humane Society of the United States; Ellis Gilleland, Texas Animals; David Garcia

DIGEST: HB 968 would make it a defense to prosecution for cruelty to animals involving torturing or seriously overworking an animal if the person's action was trimming a comb (the fleshy outgrowth on a fowl's head) or wattle (the fleshy lobe hanging down from a fowl's throat or chin) or altering a spur (a stiff, horny process on the legs of fowl) of a game rooster if it were done according to the standards of the American Poultry Association as they existed on January 1, 1997.

HB 968 would make it a defense to prosecution for cruelty to animals involving (1) torturing or seriously overworking an animal; (2) failing unreasonably to provide necessary food, care, or shelter for an animal; and (3) transporting or confining an animal in a cruel manner, if the animal was a game fowl and the person owned, raised, or cared for the game fowl in order to show, sell or transport it and the treatment was consistent with standards of the American Poultry Association as they existed on January 1, 1997.

These defenses to prosecution would be available to persons whose trials

begin on or after the bill's effective date, regardless of when an offense was committed.

Animals would not be considered “cruelly treated” under the Health and Safety Code statutes dealing with the disposition of cruelly treated animals if the animal were treated in a manner consistent with the standards promulgated by the American Poultry Association as of January 1, 1997.

HB 968 would take immediate effect if finally approved by a two-thirds record vote of the membership in each house.

**SUPPORTERS  
SAY:**

HB 968 would ensure that persons who raise and show game fowl would be able to continue to do so without being convicted of a criminal offense. It would address a problem that has occurred when persons who are preparing game fowl for livestock exhibitions or breeding have been accused of cruelty to animals. The bill would specifically exempt standard, humane treatment of game fowl from the cruelty to animals offense.

Game fowl that are exhibited in livestock shows often have their combs and wattles trimmed. This is not a cruel or unusual practice but is common for showing and breeding purposes, and in fact, is required for exhibiting fowl under the rules of national fowl associations. Trimming wattles and combs is similar to docking lamb's tails, dehorning cattle and neutering or spaying animals. In addition, the bill would ensure that standard animal raising and handling practices used for showing, selling or transporting game fowl would not be considered cruelty to animals. This would help prevent over zealous law enforcement authorities from charging someone one with an offense and confiscating and perhaps destroying these showing and breeding fowl.

HB 968 contains safeguards to ensure that only trimming for show and breeding purposes and standard handling practices would be legalized. The actions would have to be done according to standards promulgated by the American Poultry Association that are well recognized among legitimate raisers and breeders of game fowl.

HB 968 would not encourage or facilitate illegal cockfighting. The bill would not change a current provision under the cruelty to animals statute

that makes it illegal to cause one animal to fight another.

**OPPONENTS  
SAY:**

HB 968 could facilitate illegal cockfighting by providing a loophole for persons involved in this activity to prepare their birds for fights and to transport them to fights. Trimming fowl is a standard practice in cockfights and can be used by law enforcement authorities as an indicator of illegal activity. Law enforcement authorities and prosecutors do not use current law to go after persons who are preparing birds for legitimate livestock shows, only those using fowl for illegal fights. Currently, anyone involved in showing game fowl who is charged with cruelty to animals, has ample opportunity to prove their innocence through the criminal justice system.

It would be inappropriate to use standards of a non-governmental trade association, the American Poultry Association, to define criminal behavior.