

States' Animal Cruelty Statutes: Oklahoma

Current with enacted legislation of the Second Regular Session of the 57th Legislature (2020).

§ 30.2. Definitions

As used in the Commercial Pet Breeders and Animal Shelter Licensing Act:

1. "Adult animal" means an intact female animal twelve (12) months of age or older;
2. "Animal" means a dog or a cat;
3. "Animal shelter" means any nongovernmental facility that maintains ten or more dogs and cats operated by or under contract for the state, a county, a municipal corporation, or any other political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted dogs or cats; and any facility that maintains ten or more dogs and cats operated, owned, or maintained by any person or organization for such purpose, but not including any facility that does not house or harbor dogs or cats on the premises and only operates through a system of fostering in private homes;
4. "Animal shelter operator" means any individual, entity, association, trust, or corporation that operates a nongovernmental facility that maintains ten or more dogs and cats for the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted dogs or cats, but not including any facility that does not house or harbor dogs or cats on the premises and only operates through a system of fostering in private homes;
5. "Board" means the State Board of Agriculture;
6. "Cat" means a mammal that is wholly or partly of the species *Felis domesticus*;
7. "Commercial breeder" and "commercial pet breeder" mean any individual, entity, association, trust, or corporation who possesses eleven or more intact female animals for the use of breeding or dealing in animals for direct or indirect sale or for exchange in return for consideration;
8. "Commercial pet breeder license" means a license issued to any person that qualifies and is licensed as a commercial pet breeder;
9. "Animal shelter license" means a license issued to any applicant that qualifies and is licensed as an animal shelter operator;
10. "Department" means the Oklahoma Department of Agriculture, Food, and Forestry;
11. "Dog" means a mammal that is wholly or partly of the species *Canis familiaris*;
12. "Facility" means the premises used by one or more animal shelter operators or commercial breeders. The term includes all buildings, property, and

confinement areas in a single location used to conduct the animal shelter or commercial breeding business;

13. "Family member" means the parent, spouse, child, or sibling of an individual;

14. "Humane society" means a nonprofit organization exempt from federal income taxation as an organization described in Section 501(c)(3), Internal Revenue Code of 1986, as amended, that has as a principal purpose the prevention of animal cruelty or the sheltering of, caring for, and providing of homes for lost, stray, and abandoned animals;

15. "Inspector" means an authorized agent of the Board or any other qualified person authorized by the Department to conduct inspections;

16. "Intact female animal" means a female animal, nine (9) months of age or older, and not spayed;

17. "Kitten" means a cat less than twelve (12) months old;

18. "Local animal control authority" means a municipal or county animal control office with authority over the premises in which an animal is kept or, in an area that does not have an animal control office, the county sheriff;

19. "Marketing" means the solicitation for sale of animals;

20. "Noncommercial breeder" means any individual, entity, association, trust, or corporation who possesses ten or fewer intact female animals for the use of breeding or dealing in animals for direct or indirect sale or for exchange in return for consideration;

21. "Person" means any individual, association, trust, corporation, limited liability company, partnership, or other entity;

22. "Pet" means a dog or cat, including a puppy or kitten;

23. "Possess" means to have custody of or control over;

24. "Puppy" means a dog less than twelve (12) months old; and

25. "Veterinarian" means a person currently licensed to practice veterinary medicine in Oklahoma.

§ 30.3. Enforcement of act

A. The State Board of Agriculture shall enforce and administer the provisions of the Commercial Pet Breeders and Animal Shelter Licensing Act.

B. The Board shall adopt the rules necessary to enforce and administer the Commercial Pet Breeders and Animal Shelter Licensing Act, including but not limited to rules that:

1. Establish standards for care;
2. Establish reasonable and necessary fees;

3. Establish exemptions for intact female animals held solely for the purpose of training and that are not bred, with documentation to include sales and training records;
4. Establish provisions related to initial and renewal applications, revocation or nonrenewal of licenses, procedures for sale of animals, and procedures for making complaints; and
5. Establish any other rules deemed necessary by the Board.

§ 30.4. Licensure

- A. A person shall not act, offer to act, or hold himself or herself out as a commercial pet breeder or operate an animal shelter in this state unless the person holds a license obtained pursuant to the Commercial Pet Breeders and Animal Shelter Licensing Act for each facility that the person owns or operates in this state.
- B. It shall be unlawful for any person to act as a commercial pet breeder licensee, or operate as an animal shelter licensee, or to hold himself or herself out as such, unless the person shall have been licensed to do so under the Commercial Pet Breeders and Animal Shelter Licensing Act.
- C. An applicant for an animal shelter or commercial pet breeder license shall meet the criteria established by the State Board of Agriculture through rules promulgated pursuant to the Commercial Pet Breeders and Animal Shelter Licensing Act.
- D. Any animal shelter operator or commercial pet breeder that applies for an animal shelter or commercial pet breeder license no later than September 1, 2013, shall not be required to meet any cage-size requirement more stringent than United States Department of Agriculture standards. Regardless of license application date, any animal shelter operator or commercial pet breeder replacing or adding cages after September 1, 2013, shall meet the cage-size requirements as of the date of replacement or addition.

§ 30.5. Application for licensure--Inspection of applicant

- A. The Oklahoma Department of Agriculture, Food, and Forestry may contract with a local veterinarian licensed by the state, other state agency or any other qualified person to conduct or assist in an initial prelicense inspection and annual inspections.
- B. The Department shall arrange for an inspection at a facility prior to issuance of an initial animal shelter or commercial pet breeder license for that facility.
 1. The Department shall not issue an animal shelter or commercial pet breeder license to any person until the Department receives an initial prelicense inspection report from the inspector in a format approved by the Department certifying that the facility meets the requirements of the Commercial Pet Breeders and Animal Shelter Licensing Act.
 2. Prior to the initial prelicense inspection, each applicant shall pay to the Department a nonrefundable inspection fee.

C. The Department, at least annually, shall arrange for the inspection of each facility of a licensed animal shelter operator or commercial breeder. The inspection shall be conducted during normal business hours and the animal shelter operator, commercial breeder or a representative of the facility shall be present during the inspection.

D. The inspector shall submit an inspection report to the Department not later than ten (10) days after the date of the inspection on a form prescribed by the Department and provide a copy of the report to the animal shelter operator, commercial breeder or the representative.

E. On receipt of a valid written complaint alleging a violation of the Commercial Pet Breeders and Animal Shelter Licensing Act, an authorized agent of the State Board of Agriculture, a local animal control authority, or an inspector designated by the Department may investigate the alleged violation.

F. The Department shall not hire any humane society group or member of any humane society group to perform any inspection required by the Commercial Pet Breeders and Animal Shelter Licensing Act.

§ 30.6. Requirements for licensure

A. The Oklahoma Department of Agriculture, Food, and Forestry shall issue an animal shelter or commercial pet breeder license to each applicant who:

1. Meets the requirements of the Commercial Pet Breeders and Animal Shelter Licensing Act;
2. Applies to the Department on the form prescribed by the Department; and
3. Pays the required fee.

B. An animal shelter operator or commercial pet breeder shall obtain a separate license for each facility where animals are kept. A separate license shall be issued for each facility, regardless of the number of animals at each facility.

C. If a single facility is shared by more than one person, each person shall be required to become individually licensed if:

1. For commercial pet breeders, eleven or more intact females used for breeding are housed at the facility; or
2. For animal shelter operators, ten or more cats and dogs are maintained at the facility.

D. A license issued under the Commercial Pet Breeders and Animal Shelter Licensing Act is valid until July 1 for a commercial pet breeder and January 1 for an animal shelter operator in each calendar year and is nontransferable.

E. The nonrefundable animal shelter license and renewal fee shall be the same as the fee for a commercial pet breeder with eleven to twenty intact female animals.

§ 30.7. Revocation or suspension of license

The Oklahoma Department of Agriculture, Food, and Forestry may deny a license, or renewal thereof, or revoke a license of any applicant, animal shelter operator or commercial pet breeder who fails to meet the standards of animal care or fails to follow the application process adopted by the Department, or if the person:

1. Is convicted of a crime involving animal cruelty;
2. Is convicted of violating the Commercial Pet Breeders and Animal Shelter Licensing Act more than three times;
3. Is convicted of a type of felony specified by subparagraphs a through pp of paragraph 2 of Section 571 of Title 57 of the Oklahoma Statutes;
4. Is convicted of a felony punishable under the Oklahoma Racketeer-Influenced and Corrupt Organizations Act; or
5. Has held or applied for a United States Department of Agriculture license pursuant to the Animal Welfare Act and whose license was suspended or revoked, or whose application was refused due to the improper care of animals.

§ 30.8. Expiration and renewal of license

A. An animal shelter operator or commercial pet breeder who is not in violation of the Commercial Pet Breeders and Animal Shelter Licensing Act or any rule adopted under the Commercial Pet Breeders and Animal Shelter Licensing Act may renew the license of the person by:

1. Submitting a renewal application to the Oklahoma Department of Agriculture, Food, and Forestry on the form prescribed by the Department;
2. Complying with any other renewal requirements adopted by the Department; and
3. Paying the required fee.

B. Any person who fails to apply for a renewal in a manner prescribed by the Department, and whose license has expired, may not engage in activities that require a license until the license has been renewed.

C. Not later than sixty (60) days before the expiration of the license, the Department shall send written notice of the impending license expiration to the animal shelter operator or commercial pet breeder at the last-known address according to the records of the Department.

§ 30.10. Disclosure of license

An animal shelter operator and commercial pet breeder shall prominently display a copy of the animal shelter license or commercial pet breeder license at the facility of the animal shelter or commercial pet breeder. A commercial pet breeder shall include the commercial pet breeder license number in each advertisement for the sale or transfer of an animal by the commercial pet breeder. A commercial pet breeder shall include in each contract for the sale or transfer of an animal by the commercial pet breeder the commercial pet breeder license number.

§ 30.12. Animal health records

A. An animal shelter operator and commercial pet breeder shall maintain a separate health record for each animal in the facility of the animal shelter operator and commercial breeder documenting the healthcare of the animal.

B. The health record shall include:

1. The breed, sex, color, and identifying marks of the animal; and
2. A record of all inoculations, medications, and other veterinary medical treatment received by the animal while in the possession of the animal shelter operator and commercial pet breeder.

C. The animal shelter operator and commercial pet breeder shall make the health records available on request to the Oklahoma Department of Agriculture, Food, and Forestry, an authorized agent of the Board, a local animal control authority, or any other inspector designated by the Department.

§ 30.13. Prohibited conduct--Penalties

A. After notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Commercial Pet Breeders and Animal Shelter Licensing Act or any rule promulgated or order issued pursuant thereto, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation. During each license year of the facility, a facility shall not be subject to more than Ten Thousand Dollars (\$10,000.00) in administrative penalties assessed pursuant to this subsection.

B. A person commits an offense if the person violates the Commercial Pet Breeders and Animal Shelter Licensing Act or any rule adopted under the Commercial Pet Breeders and Animal Shelter Licensing Act. Each animal to which a violation applies and each day that violation continues constitutes a separate offense. An offense under this subsection is a misdemeanor punishable as provided in subsection F of this section.

C. A person commits an offense if the person knowingly falsifies information in a license application, annual report, or record required under the Commercial Pet Breeders and Animal Shelter Licensing Act. An offense under this subsection is a misdemeanor punishable as provided in subsection F of this section.

D. An unlicensed commercial pet breeder commits an offense if the breeder advertises animals for sale. An offense under this subsection is a misdemeanor punishable as provided in subsection F of this section.

E. An animal shelter or commercial pet breeder commits an offense if the animal shelter or commercial breeder interferes with, hinders, or thwarts any inspection or investigation under the Commercial Pet Breeders and Animal Shelter Licensing Act or refuses to allow an inspector full access to all areas of the facility where animals are kept or cared for and all records required to be kept under the Commercial Pet Breeders and Animal Shelter Licensing Act or any rule adopted under the Commercial Pet Breeders and

Animal Shelter Licensing Act. An offense under this subsection is a misdemeanor punishable as provided in subsection F of this section.

F. 1. Any violation of subsection B, C or D of this section shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00).

2. Any violation of subsection E of this section shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00).

G. In addition to penalties and fines, the Board shall have authority to obtain injunctions against anyone who violates the Commercial Pet Breeders and Animal Shelter Licensing Act, and shall have authority to obtain or impose civil monetary penalties on anyone who violates the Commercial Pet Breeders and Animal Shelter Licensing Act, and upon obtaining a court order, shall have authority to seize and impound animals in the possession, custody, or care of that person if there is reason to believe that the health, safety, or welfare of the animals is endangered, or the animals are in imminent danger. The reasonable costs of transportation, care, and feeding of seized and impounded animals shall be paid by the person from whom the dogs or cats were seized and impounded.

H. Nothing in the Commercial Pet Breeders and Animal Shelter Licensing Act shall preclude the Board from seeking penalties in district court in the maximum amount allowed by law. The assessment of penalties in an administrative enforcement proceeding shall not prevent the subsequent assessment by a court of the maximum civil or criminal penalties for violations of the Commercial Pet Breeders and Animal Shelter Licensing Act and rules promulgated pursuant thereto.

I. Any person assessed an administrative or civil penalty may be required to pay, in addition to the penalty amount and interest thereon, attorney fees and costs associated with the collection of the penalties.

J. If any person refuses, denies or interferes with any right of access, the Board shall have the right to apply to and obtain from a district court an administrative or other warrant as necessary to enforce the right of access and inspection.

§ 1680. Short title

This act shall be known and may be cited as the "Animal Facilities Protection Act".

§ 1680.1. Definitions

As used in this act:

1. "Animal" means any mammal, bird, fish, reptile or invertebrate, including wild and domesticated species, other than a human being;
2. "Animal facility" means any vehicle, building, structure, farm, ranch or other premises where an animal is kept, handled, transported, housed, exhibited, bred, offered for sale or used in any lawful scientific test, experiment, investigation or educational training;

3. "Person" means any individual, state agency, corporation, association, nonprofit corporation, joint stock company, firm, trust, partnership, two or more persons having a common interest, or other legal entity;
4. "Owner" means a person who has title to the property, possession of the property, or a greater right to the possession of the animal or property than another person;
5. "Possession" means actual care, custody, control or management; and
6. "Effective consent" means consent by the owner or a person legally authorized to act for the owner. Consent is not effective if induced or given by force or fear; by a person the offender knows is not legally authorized to act for the owner; or by a person who by reason of youth, mental disease or defect, or influence of drug or alcohol is known by the offender to be unable to make reasonable decisions.

§ 1680.2. Prohibited acts with regard to certain animal facilities-- Penalties--Exempted acts

A. No person shall, without the effective consent of the owner and with intent to damage the enterprise conducted at the animal facility:

1. Damage, destroy or remove an animal facility or any property or animal in or on an animal facility;
2. Acquire or otherwise exercise control over an animal facility, an animal or other property from an animal facility, with the intent to deprive the owner of such facility, animal or property;
3. Enter an animal facility, not open to the public, with intent to commit an act prohibited by this section;
4. Enter an animal facility and commit or attempt to commit an act prohibited by this section;
5. Remain concealed in an animal facility, with intent to commit or attempt to commit an act prohibited by this section;
6. Enter or remain on an animal facility when the person has notice that entry is forbidden by any of the following:
 - a. written or oral communication with the owner or a person with apparent authority to act for the owner,
 - b. fencing or other enclosure obviously designed to exclude intruders or contain animals, or
 - c. a sign or signs posted on the property or at the entrance to the building, indicating that unauthorized entry is forbidden; and
7. Release any animal or animals, with intent to deprive the owner of such animal or animal facility.

B. A violation of any of the provisions in paragraphs 1 through 7 of subsection A of this section shall be a misdemeanor, upon conviction, punishable by a fine not to exceed Five Thousand Dollars (\$5,000. 00), with full restitution to be paid for any damage to the property, for replacement of any animals released, and for out-of-pocket expenses incurred as a result of any violation, or by imprisonment in the county jail for a term not to exceed one (1) year, or by both such fine and imprisonment.

C. The provisions of this section shall not apply to lawful activities of any governmental agency or employees or agents thereof carrying out their respective duties under the law or be construed to conflict with any provision of Section 391 et seq. of Title 4 of the Oklahoma Statutes.

§ 1680.3. Veterinarian required to report suspected animal abuse--Immunity from civil liability

A. A veterinarian shall report suspected cases of animal abuse to a local law enforcement agency in the county where the veterinarian is practicing within twenty-four (24) hours of any examination or treatment administered to any animal which the veterinarian reasonably suspects and believes has been abused. The report shall contain the breed and description of the animal together with the name and address of the owner.

B. A veterinarian who files a report as provided in this section shall be immune from civil liability with respect to any report made in good faith.

§ 1680.4. Protective custody of abused or neglected animals--Bond hearing

A. The purpose of this section is to provide a means by which any abused or neglected animal, as described in Section 1685 of Title 21 of the Oklahoma Statutes, may:

1. Be removed from its present custody; or
2. Be made the subject of an order issued to the owner by the appropriate court to provide care to the animal by the owner of the animal or by another person at a location approved by the court, with the order setting forth the conditions under which the animal will be housed and cared for, and given protection and a humane disposition.

B. Any peace officer or animal control officer may:

1. Specify terms and conditions by which the owner or keeper may maintain custody of the animal at the expense of the owner to provide care for the animal. The specifications shall be counter-signed by the owner or keeper of the animal. Provided, however, that violation of the custody agreement of the animal may result in the impoundment of the animal; or
2. Obtain a court order to take custody of any animal found neglected or cruelly treated by removing the animal from its present location.

C. 1. After an animal has been seized and prior to any charges being filed, the agency that took custody of the animal shall, within seven (7) days from the date of seizure, petition the district court in the county in which the animal was seized for a bond hearing

to determine the cost and care for the animal. The bond hearing shall be held as soon as practicable and not more than ten (10) business days from the date of application for the bond hearing. If the court finds that probable cause exists that an animal has been abused, the court may order immediate forfeiture of the animal to the agency that took custody of the animal. Provided, however, within seventy-two (72) hours of the order of forfeiture, the person owning or having charge or custody of the animal may post a security bond in an amount determined by the court that is sufficient to reimburse all reasonable and anticipated costs incurred by the agency caring for the animal from the date of seizure. Reasonable costs include, but are not limited to, medical care and boarding of the animal.

2. The bond shall be placed with the agency that took custody of the animal. The agency shall provide an accounting of expenses to the court when the animal is no longer in the custody of the agency or upon request by the court. The agency may petition the court for a subsequent bond hearing at any time. The bond hearing shall be held as soon as practicable and not more than ten (10) business days from the date of application for the bond hearing. When all expenses covered by the bond are exhausted and a subsequent bond has not been posted, the animal shall be forfeited to the agency.

3. If the animal is returned to the person who previously owned or had charge or custody of the animal, funds not used for the care of the animal shall be returned.

4. Nothing in this section shall prevent the euthanasia of a seized animal at any time as determined necessary by a licensed veterinarian of the state.

§ 1681. Poisoning animals

Any person who willfully administers poison to any animal, the property of another, and every person who maliciously exposes any poisonous substance with intent that the same shall be taken by any such animal, shall be guilty of a felony and shall be punishable by imprisonment in the State Penitentiary not exceeding three (3) years, or in a county jail not exceeding one (1) year, or by a fine not exceeding Two Hundred Fifty Dollars (\$250.00), or by both such fine and imprisonment.

§ 1682. Instigating fights between animals

Every person who maliciously, or for any bet, stake or reward, instigates or encourages any fight between animals with the exception of dogs, or instigates or encourages any animal with the exception of dogs to attack, bite, wound or worry another, upon conviction, is guilty of a misdemeanor.

§ 1683. Keeping places for fighting animals

Every person who keeps any house, pit or other place, to be used in permitting any fight between animals with the exception of dogs or in any other violation of Section 1682 of this title, upon conviction, is guilty of a misdemeanor.

§ 1684. Wounding or trapping birds in cemetery

Every person who, within any public cemetery or burying ground, wounds or traps any birds or destroys any bird's nest, or removes any eggs or young birds from any nest; and every person who buys or sells, offers or keeps for sale, any bird which has been killed

or trapped in violation of this section, is punishable by a fine of Five Dollars (\$5.00) for each offense, recoverable by a civil action in any justice's court within the county where the offense is committed, brought in the name of any person making a complaint.

§ 1685. Cruelty to animals

Any person who shall willfully or maliciously torture, destroy or kill, or cruelly beat or injure, maim or mutilate any animal in subjugation or captivity, whether wild or tame, and whether belonging to the person or to another, or deprive any such animal of necessary food, drink, shelter, or veterinary care to prevent suffering; or who shall cause, procure or permit any such animal to be so tortured, destroyed or killed, or cruelly beaten or injured, maimed or mutilated, or deprived of necessary food, drink, shelter, or veterinary care to prevent suffering; or who shall willfully set on foot, instigate, engage in, or in any way further any act of cruelty to any animal, or any act tending to produce such cruelty, shall be guilty of a felony and shall be punished by imprisonment in the State Penitentiary not exceeding five (5) years, or by imprisonment in the county jail not exceeding one (1) year, or by a fine not exceeding Five Thousand Dollars (\$5,000.00). Any animal so maltreated or abused shall be considered an abused or neglected animal.

§ 1685.1. Greyhounds--Using live animal as lure in training--Penalties

- A. No person may knowingly use any live animal as a lure or bait in training a greyhound for entry in any race.
- B. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor punishable by a fine not exceeding Two Hundred Fifty Dollars (\$250.00).
- C. The provisions of subsection B of this section shall be the exclusive remedy for any violation of the provisions of subsection A of this section.

§ 1686. Abandoned animals--Euthanasia--Custody of animal following arrest

- A. Any person owning or having charge or custody of a maimed, diseased, disabled, or infirm animal who abandons the animal or who allows the animal to lie in a public street, road, or public place one (1) hour after the person receives notice by a duly constituted authority that the animal is disabled or dead, upon conviction, shall be guilty of a misdemeanor.
- B. Any peace officer or animal control officer may humanely destroy or cause to be humanely destroyed any animal found abandoned and for which no proper care has been given.
- C. When any person who is arrested is, at the time of the arrest, in charge of any animal or of any vehicle drawn by or containing any animal, any peace officer, or animal control officer may take custody of the animal or of the vehicle and its contents, or deliver the animal or the vehicle and its contents into the possession of the police or sheriff of the county or place where the arrest was made, who shall assume the custody thereof. All necessary expenses incurred in taking custody of the animal or of the vehicle and its contents shall be a lien on such property.
- D. For the purpose of the provisions of this section and Section 1691 of this title, the term "abandon" means the voluntary relinquishment of an animal and shall include but

shall not be limited to vacating a premises and leaving the animal in or at the premises, or failing to feed the animal or allowing it to stray or wander onto private or public property with the intention of surrendering ownership or custody over the animal.

§ 1688. Animals in transit

Any person who carries or causes to be carried in or upon any vessel or vehicle, or otherwise, any animal in a cruel or inhuman manner, or so as to produce torture is guilty of a misdemeanor.

§ 1689. Poisonous drugs, unjustifiable administration of

Any person who unjustifiably administers any poisonous or noxious drug or substance to any animal, or unjustifiably exposes any such drug or substance with intent that the same shall be taken by an animal, whether such animal be the property of himself or another, is guilty of a misdemeanor.

§ 1691. Abandoning of domestic animals along streets or highways or in any public place prohibited

Any person who deposits any live dog, cat, or other domestic animal along any private or public roadway, or in any other private or public place with the intention of abandoning the domestic animal upon conviction, shall be guilty of a misdemeanor.

§ 1692. Penalty

Any person found guilty of violating any of the provisions of Sections 1686, 1688, 1689 and 1691 of this title shall be punished by a fine in an amount not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not more than one (1) year, or by both said fine and imprisonment.

§ 1692.1. Definitions

As used in this act:

A. "Cockfight" or "cockfighting" is a fight between birds, whether or not fitted with spurs, knives, or gaffs, and whether or not bets or wagers are made on the outcome of the fight, and includes any training fight in which birds are intended or encouraged to attack or fight with one another.

B. "Equipment used for training or handling a fighting bird" includes knives or gaffs, cages, pens, feeding apparatuses, training pens and other related devices and equipment, and is hereby declared contraband and subject to seizure.

§ 1692.2. Instigating or encouraging cockfight

Every person who willfully instigates or encourages any cockfight, upon conviction, shall be guilty of a felony. The penalty for a violation of this section shall be as provided in Section 8 of this act.

§ 1692.3. Keeping place, equipment or facilities for cockfighting

Every person who keeps any pit or other place, or knowingly provides any equipment or facilities to be used in permitting any cockfight, upon conviction, shall be guilty of a felony. The penalty for a violation of this section shall be as provided in Section 8 of this act.

§ 1692.4. Servicing or facilitating cockfight

Every person who does any act or performs any service in the furtherance of or to facilitate any cockfight, upon conviction, shall be guilty of a felony. Such activities and services specifically prohibited by this section include, but are not limited to: promoting or refereeing of birds at a cockfight, advertising a cockfight, or serving as a stakes holder of any money wagered on any cockfight. The penalty for a violation of this section shall be as provided in Section 8 of this act.

§ 1692.5. Owning, possessing, keeping or training bird for fighting

Every person who owns, possesses, keeps, or trains any bird with the intent that such bird shall be engaged in a cockfight, upon conviction, shall be guilty of a felony. The penalty for a violation of this section shall be as provided in Section 8 of this act.

§ 1692.6. Spectators

Every person who is knowingly present as a spectator at any place, building, or other site where preparations are being made for a cockfight with the intent to be present at such preparation or cockfight, or is knowingly present at such cockfight, upon conviction shall be guilty of a misdemeanor.

§ 1692.7. Seizure, destruction, or forfeiture of cockfighting equipment or facilities

Following the conviction of a person for Sections 2, 3, 4, or 5 of this act, the court entering the judgment shall order that the birds and knives or gaffs used in violation of this act be forfeited to the state, and may order that any and all equipment described in Section 1 used in violation of this act be forfeited to the state.

§ 1692.8. Punishment

A. Every person who is guilty of a felony under any of the provisions of Sections 2, 3, 4, or 5 of this act shall be punished by imprisonment in the state penitentiary for not less than one (1) year nor more than ten (10) years, or shall be fined not less than Two Thousand Dollars (\$2,000.00) nor more than Twenty-five Thousand Dollars (\$25,000.00), or by both such fine and imprisonment.

B. Every person who upon conviction is guilty of any of the provisions of Section 6 of this act shall be punished by imprisonment in the county jail for not more than one (1) year, or shall be fined not more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

§ 1692.9. Exemption

Nothing in this act shall prohibit any of the following:

A. Hunting birds or fowl in accordance with Oklahoma regulation or statute, including but not limited to the sport of hunting game with trained raptors.

B. Agricultural production of fowl for human consumption.

§ 1693. Definitions

As used in this act:

1. "Equipment used for training or handling a fighting dog" includes harnesses, treadmills, cages, decoys, pens, houses, feeding apparatuses, training pens and other related devices and equipment.
2. "Equipment used for transporting a fighting dog" includes any automobile, or other vehicle, and its appurtenances which are intended to be used as a vehicle for transporting a fighting dog to a fight;
3. "Concession equipment" includes any stands, equipment or devices intended to be used to sell or otherwise to dispense food, drinks, liquor, souvenirs or spectator comforts;
4. "Equipment used to promote or advertise a dogfight" includes any printing presses or similar equipment, any paper, ink, photography equipment, and related items and equipment intended to be used to transport same;
5. "Equipment used to stage a dogfight" includes, but is not limited to, dogfighting arenas, bleachers, or spectators' stands or other seating, tents, canopies, buildings, fences, cages, speakers, public address systems, portable toilet facilities and related equipment; and
6. "Fighting dog" includes any dog trained, being trained, intended to be used for training, or intended to be used to attack, bite, wound or worry another dog.

§ 1694. Instigating or encouraging dogfight--Felony--Penalty

Every person who willfully or for any bet, stake or reward, instigates or encourages any fight between dogs, or instigates or encourages any dog to attack, bite, wound or worry another dog, except in the course of protection of life and property, upon conviction, shall be guilty of a felony, punishable as provided in Section 1699.1 of this title.

§ 1695. Keeping place, equipment or facilities for dogfighting--Felony-- Penalty

Every person who keeps any house, pit or other place, or provides any equipment or facilities to be used in permitting any fight between dogs or in furtherance of any activity described in Section 1693 of this title, upon conviction, shall be guilty of a felony, punishable as provided in Section 1699.1 of this title.

§ 1696. Servicing or facilitating dogfight--Felony--Penalty

Every person who does any act or performs any service in the furtherance of or to facilitate any dogfight, upon conviction, shall be guilty of a felony. Such activities and services specifically prohibited by this section include, but are not limited to: Promotion, refereeing, handling of dogs at a fight, transportation of spectators to or from a dogfight, providing concessions at a dogfight, advertising a dogfight, or serving as a stakes holder of any money wagered on any dogfight, punishable as provided in Section 1699.1 of this title.

§ 1697. Owning, possessing, keeping or training dog for fighting--Felony-- Penalty

Every person who owns, possesses, keeps or trains any dog with the intent that such dog shall be engaged in an exhibition of fighting with another dog, upon conviction, shall be guilty of a felony, punishable as provided in Section 1699.1 of this title.

§ 1698. Spectators

Every person who is knowingly present as a spectator at any place, building or other site where preparations are being made for an exhibition of dogfighting with the intent to be present at such preparation or fight, or is knowingly present at such exhibition, upon conviction, shall be guilty of a misdemeanor.

§ 1699. Seizure, destruction or forfeiture of dogfighting equipment and facilities

Following the conviction of a person for the offense of keeping a place for fighting dogs, providing facilities for fighting dogs, performing services in the furtherance of dogfighting, training, owning, possessing, handling fighting dogs, the court entering the judgment shall order that the machine, device, gambling equipment, training or handling instruments or equipment, transportation equipment, concession equipment, dogfighting equipment and instruments, and fighting dogs used in violation of this act be destroyed or forfeited to the state.

§ 1699.1. Punishment

A. Every person who is guilty of a felony under any of the provisions of Sections 1694, 1695, 1696 and 1697 of this title shall be punished by imprisonment in the State Penitentiary for not less than one (1) year nor more than ten (10) years, or a fine not less than Two Thousand Dollars (\$2,000.00) nor more than Twenty-five Thousand Dollars (\$25,000.00), or by both such fine and imprisonment.

B. Every person who upon conviction is guilty of any of the provisions of Section 1698 of this title shall be punished by imprisonment in the county jail for not more than one (1) year, or shall be fined not more than Five Hundred Dollars (\$500.00).

§ 1699.2. Exemptions

Nothing in this act shall prohibit any of the following:

1. The use of dogs in hunting as permitted by the Game and Fish Code and by the rules and regulations adopted by the Oklahoma Wildlife Conservation Commission;
2. The use of dogs in the management of livestock by the owner of such livestock or his employees or agents or other persons in lawful custody thereof;
3. The training of dogs or the use of equipment in the training of dogs for any purpose not prohibited by law; or
4. The raising, breeding, keeping or training of dogs or the use of equipment for the raising, breeding, keeping or training of dogs for sale or show purposes.

§ 1700. Bear wrestling--Horse tripping

A. It is unlawful for any person to:

1. Promote, engage in, or be employed at a bear wrestling exhibition or horse tripping event;
2. Receive money for the admission of another person to any place where bear wrestling or horse tripping will occur;
3. Sell, purchase, possess, or offer a horse for any horse tripping event;
4. Sell, purchase, possess, or train a bear for any bear wrestling exhibition;
5. Subject a bear to alteration in any form for purposes of bear wrestling including, but not limited to, removal of claws or teeth, or severing tendons; or
6. Give any substance to a bear, inject any substance into a bear, or cause a bear to ingest or inhale any substance for the purposes of bear wrestling.

B. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding one (1) year, or by a fine of not more than Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment. In addition, the court may require the violator to make restitution and reimbursements to the state, any of its political subdivisions, or to any society which is incorporated for the prevention of cruelty to animals for housing, feeding, or providing medical treatment to any animals used or intended for use in violation of this section.

C. Upon the arrest of any person pursuant to any provision of this section, the arresting law enforcement agency or animal control office shall have authority to seize and take custody of all animals in the possession of the arrested person which are the basis of an arrest pursuant to the provisions of this section. Upon conviction, the court shall have authority to order the forfeiture of all animals seized which are the basis of the conviction pursuant to the provisions of this section. Any animals ordered forfeited may be placed in the custody of a society which is incorporated for the prevention of cruelty to animals.

D. As used in this section, "horse tripping" means to cause an animal of the equine species to fall or lose its balance with the use of a wire, pole, stick, rope or other object. The term does not include the lawful laying down of a horse for medical purposes or for the purposes of identification.