

Date of Hearing: April 8, 2025

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
AB 928 (Rogers) – As Amended March 18, 2025

As Proposed to be Amended

SUBJECT: ROOSTERS: RESTRICTIONS

KEY ISSUE: SHOULD A PERSON WHO KEEPS MORE THAN THREE ROOSTERS PER ACRE, OR MORE THAN 25 ROOSTERS TOTAL, BE PROHIBITED FROM CONSTRAINING ANY ROOSTER'S MOVEMENT BY USE OF AN ENCLOSURE OR TETHER; AND SHOULD A PERSON WHO VIOLATES THESE LIMITS BE LIABLE, IN A CLAIM BROUGHT BY SPECIFIED PUBLIC PROSECUTORS, FOR A CIVIL PENALTY FOR EACH DAY THAT A ROOSTER IS UNLAWFULLY CONSTRAINED?

SYNOPSIS

This bill addresses the proliferation of gamefowl yards and, according to the authors and sponsors, will help further curb the State's illegal cockfighting industry. Cockfights are organized fights between two roosters that are typically bred and raised to increase their strength and prized for their aggression. Cockfighting is considered a form of animal cruelty, and has been illegal in California for over 100 years. Nonetheless, cockfighting continues to occur throughout California. In an attempt to address the issue, the bill prohibits any individual from keeping any more than three roosters per acre, or more than 25 roosters total (regardless of acreage). Understandably, this flat restriction seems to have ruffled some feathers among communities dedicated to caring for chickens and roosters. They argue that many people provide homes for dozens of chickens, including roosters rescued from cockfighting rings. Under the bill's current language, these well-meaning rescuers would either be penalized for keeping roosters above the maximum allowed, or unable to provide a home for the state's rooster population. The author has proposed a number of amendments to address the concerns, including narrowing the bill's scope to only restrict a person who keeps more than three roosters per acre or more than 25 roosters total from keeping a rooster movement-constrained. In other words, under the bill as proposed to be amended, anyone can keep as many roosters as they would like (subject to local ordinances), so long as the roosters are not "movement-constrained" as prohibited under the bill. The amendments are incorporated into the SUMMARY of the bill below, and discussed in further detail in the COMMENTS section of this analysis.

This bill is sponsored by the Humane World for Animals (formerly called the Human Society of the United States). It is supported by a number of animal rights organizations, including the Animal Legal Defense Fund and the San Diego Humane Society. It also enjoys support from the California Poultry Federation and the California Farm Bureau. It is opposed by animal rescue organizations that appear to focus on providing sanctuary spaces for rescue chickens, heritage poultry breeders, and advocates on behalf of farms and rural properties that raise roosters. These organizations include the American Poultry Association, Green Acres 4H Poultry, Adopt a Bird Network, and the Southern California Poultry Club, among others. It is also opposed by 144 individuals. This bill previously passed out of the Assembly Committee on Agriculture on a vote of 6-1.

SUMMARY: Beginning January 1, 2027, imposes limits on the number of roosters specified individuals may keep or raise on their property as specified and authorizes specified public prosecutors to recover a civil penalty in a claim brought to enforce against a violation. Specifically, **this bill:**

- 1) Makes findings and declarations regarding cockfighting, including the legal status of cockfighting in California, and the health impact of maintaining roosters for the purpose of cockfighting on local fauna and gamefowl in the context of the ongoing avian influenza H5N1 epidemic.
- 2) Prohibits any person, beginning January 1, 2027, who keeps more than 3 roosters per acre, or more than 25 roosters total, regardless of acreage, on any property, from keeping a rooster movement-constrained through the use of an enclosure or tether.
- 3) Exempts the following from the prohibition in 2):
 - 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 Grange project, if the 4-H, FFA, or 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 the purpose of 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) Makes a person who violates 2) liable for a civil penalty, not to exceed two thousand five hundred dollars (\$2,500) for each violation, and requires that penalty to 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 county counsel, a city attorney, or a city prosecutor in this state in any court of competent jurisdiction.

- 5) Establishes the following distribution of any recovered civil penalty:
 - a) If the civil action is brought by the Attorney General, one-half of the penalty is paid to the treasurer of the county in which the judgment was entered, and one half of the penalty is paid to the state's General Fund;
 - b) If the action is brought by a district attorney or county counsel, the entire amount is paid to the treasurer of the county in which the judgment was entered;
 - c) If the action is brought by a city attorney or city prosecutor, one-half of the penalty is paid to the treasurer of the county in which the judgment was entered, and one-half of the penalty is paid to the treasurer of the city in which the judgment was entered.
- 6) Makes each day a rooster is kept in violation of 2) a distinct violation.
- 7) Clarifies that nothing in the bill prevents a city or county from adopting or enforcing ordinances on the keeping of roosters that are more restrictive than the requirements set forth in the bill.
- 8) Defines the following for purposes of 2) – 5):
 - a) "Property" means a parcel, as defined in Section 9021 of the Streets and Highways Code, or a combination of parcels operate 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.
 - iv) Is not a bantam chicken.
 - c) "Enclosure" means a structure used for confinement, including a wire cage or item traditionally used for another purpose such as a water tank or plastic barrel that meets both of the following criteria:
 - i) Is used to provide long-term housing for one adult rooster;
 - ii) Prevents interaction with other roosters.

EXISTING LAW:

- 1) Makes any person who, for amusement or gain, causes any cock to fight with another cock or with a different kind of animal or creature or with any human being, or injures any cock or causes the cock to injure another animal, or allows it to happen on their property, or aids or abets in the fighting of an animal, guilty of a misdemeanor. (Penal Code section 597b (b).)
- 2) Regulates the production of poultry, eggs, and egg products. (Food and Agricultural Code section 25401 *et seq.*)

- 3) Makes any building or property used for the purpose of willfully conducting cockfighting in violation of Penal Code section 597b (b) a public nuisance. (Civil Code Section 3482.8.)
- 4) Prohibits hosting or attending an animal fighting venture, as well as knowingly selling, buying, possessing, training, transporting, delivering, or receiving any animal for the purpose of having the animal participate in an animal fighting venture. (7 U.S.C. Section 1256 (a) – (b).)

FISCAL EFFECT: As currently in print this bill is keyed fiscal.

COMMENTS: This bill seeks to hinder the proliferation of gamefowl yards which, according to the authors and sponsors, will help further curb the state’s illegal cockfighting industry. 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.

AB 928 empowers law enforcement to proactively address this issue by establishing civil liability for those who traffic birds for fighting. This legislation won’t 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.

A brief background on cockfighting. Cockfights are organized fights between two roosters, referred to as gamecocks, that are typically bred and raised to increase their strength and prized for their aggression. The goal of the fights are to injure or kill the other rooster. Additionally, the harm caused to the individual birds and the illicit nature of cockfighting, which can prevent roosters from receiving proper care, can exacerbate the spread of disease, including the avian flu. Cockfighting is considered a form of animal cruelty, and has been illegal in California for over 100 years. Penal Code section 597b (b) makes cockfighting a misdemeanor, and the Legislature has considered and approved a number of measures in recent years to strengthen the prohibition.

Despite these efforts, cockfighting and breeding roosters to participate in cockfighting continues to occur throughout California. In 2024, the Los Angeles Times reported that the Federal Bureau of Investigations (FBI) had concluded an investigation into a cockfighting enterprise in San Bernardino County. The article details that more than 100 people would regularly gather at a single home to gamble on roosters that “were made to fight – sometimes to the death – in an arena while wearing sharp blades known as ‘gaffs’ on their legs.” In addition to the price the hosts charged to attend the fights, handlers were also charged \$1,000 to enter four roosters into the fight. (Mejia, *Cockfights, tacos, federal charges: FBI says San Bernardino property hosted*

animal fights (August 5, 2024) Los Angeles Times available at: <https://www.latimes.com/california/story/2024-08-05/cockfights-tacos-fbi-san-bernardino-property-hosted-animal-fights>.) In 2022, the U.S. Department of Agriculture Office of Inspector General (USDA-OIG) conducted another investigation that resulted in the arrest and sentencing of Joseph D. Sanford, a 74 year-old from Ceres, California known as “Chicken Joe.” Sanford owned and operated Joe Sanford Gamefarm in Ceres where USDA-OIG found 2,956 game fowl. (United States Attorney’s Office Eastern District of California, “*Chicken Joe*” Sentenced to 16 Months in Prison for Conspiring to Run an Animal Fighting Operation (April 29, 2022) available at: <https://www.justice.gov/usao-edca/pr/chicken-joe-sentenced-16-months-prison-conspiring-run-animal-fighting-operation>.)

As currently in print, *this bill* attempts to curb the proliferation of cockfighting by prohibiting any individual from keeping more than three roosters per acre, or more than 25 roosters total, regardless of acreage. Understandably, this restriction seems to have ruffled some feathers among communities dedicated to caring for chickens and roosters. They argue that many people provide homes for dozens of roosters, some of which have been rescued from cockfighting rings. Under the bill’s current language, these well-meaning rescuers would either be penalized for keeping roosters above the maximum allowed, or unable to provide a home for the state’s rooster population.

Author’s amendments. With the above concerns in mind, the author proposes to amend the bill to focus more on the manner in which roosters are kept, rather than only the total number of roosters. Specifically, the author proposes the following amendment:

32105. (a) On and after January 1, 2027, a person *who keeps more than 3 roosters per acre, or more than 25 roosters total, regardless of acreage, may not keep a rooster movement-constrained through the use of an enclosure or tether* ~~shall not keep or raise more than 3 roosters per acre, or more than 25 roosters total, regardless of acreage, on any property.~~

The author also proposes the following amendment to define “enclosure” referenced in new subdivision (a):

(e) For purposes of this section, the following definitions apply:

(1) **“Enclosure” means a structure used for confinement, including a wire cage or item traditionally used for another purpose such as a water tank or plastic barrel that meets both of the following criteria:**

(A) **Is used to provide long-term housing for one adult rooster.**

(B) **Prevents interaction with other roosters.**

Roosters that are bred and raised for cockfighting are kept in small enclosures and separated from other animals. They are not typically treated to open spaces or, as one letter of opposition called them, “rooster-friendly” farms. It seems, then, that this proposed amendment directly addresses the identified concern. Under this new restriction, there would be no limit on the amount of roosters an individual could keep and raise on their property (assuming compliance with local restrictions), so long as the roosters were not “movement constrained through use of an enclosure or tether” and their enclosure was not prohibited by the definition above. Considering that the bill is attempting to target the illegal cockfighting industry, this amendment appears to be narrowly focused on achieving the bill’s underlying intent.

Of particular relevance to this Committee, the bill currently authorizes enforcement of its prohibition through a civil action brought by various public prosecutors, including district attorneys. District attorneys generally prosecute criminal activity, rather than violations of civil law. Thus, the author proposes to remove them from the text of the bill.

Additionally, the current language makes a person who violates the bill's limitations liable for up to \$2,500 "for each violation." However, this language does not clearly identify a violation. It could be interpreted to authorize just one single \$2,500 award, regardless of how many roosters were kept above the limit. Considering that people who breed roosters for illegal cockfighting can keep and raise hundreds of roosters and make significantly more profit than \$2,500, a single \$2,500 penalty seems insufficient to deter the cruel and unlawful behavior that is the focus of the bill.

To address both issues, the author proposes the following amendments:

(c) (1) A person who violates this section shall 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~~, a county counsel, a city attorney, or a city prosecutor in this state in any court of competent jurisdiction.

(2) 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.

(3) Each day a rooster is kept in violation of this part shall constitute a distinct violation.

In order to ensure localities suffering from the effects of cockfighting are able to recover the penalties identified in the bill and offset the cost of litigation, the amounts are split as follows:

- 1) In a claim brought by the Attorney General, one half of the penalty is paid to the treasurer of the county in which the judgment was entered, and one half to the state's General Fund;
- 2) In a claim brought by a county counsel, the entire amount of the penalty is paid to the treasurer of the county in which the judgment was entered;
- 3) In a claim brought by a city attorney or city prosecutor, one half of the penalty is paid to the treasurer of the county in which the judgment was entered and one half is paid to the treasurer of the city in which the judgment was entered.

The author also proposes amendments to clarify that local jurisdictions would continue to be able to enact more stringent restrictions on the keeping of roosters:

(d) This part does not prevent a city or county from adopting or enforcing ordinances on the keeping of roosters that are more restrictive than the requirements set forth in this part.

Finally, in response to concerns raised by a number of stakeholders that breed and raise bantam chickens, the author has proposed to exclude bantam chickens from the prohibitions in this bill. Bantam chickens are essentially miniature chickens measuring about half the size of a standard chicken. They are appealing to private individuals who raise chickens on their property because of their diminutive size and corresponding decreased demand on food, space, and upkeep. (*What Is a Bantam Chicken and Why Own Them?* (Meyer Hatchery Blog) available at: <https://blog.meyerhatchery.com/2022/02/whats-a-bantam-chicken-why-own-them/>.) Also due to their small size, they are not desirable for cockfighting. The amendment would read as follows:

(3) “Rooster” means a male chicken that meets ~~any~~ **all** of the following criteria:

(A) Is six months of age or older.

(B) Has full adult plumage.

(C) Is capable of crowing.

(D) Is not a bantam chicken.

Finally, the bill makes a number of clarifying amendments, including one requested by the California State Grange to correct reference to the organization as “Grange,” rather than “State Grange” to align with the State Department of Fairs and Expositions language. The amendments are as follows:

(b) This section does not apply to any of the following:

[...]

(5) 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.

(6) A person who meets all of the following criteria:

(A) Owns and breeds poultry **for the purpose of** lawful exhibition in accordance with accepted poultry raising practices and all laws and regulations governing exhibition.

A number of opponents also raise a concern that the exemption language in subdivision (b), which would exempt an individual from the bill’s prohibitions if they, among other requirements, are a certified participant in the National Poultry Improvement Plan (NPIP) administered by the California Poultry Health Board pursuant to all federal and state program standards. However, the appropriateness of including NPIP participation in the exemption language is within the jurisdiction of the Assembly Committee on Agriculture, rather than this Committee and thus this analysis defers to its judgement about that issue.

ARGUMENTS IN SUPPORT: This bill is sponsored by the Humane World for Animals (formerly called the Human Society of the United States). It is supported by a number of animal rights organizations, including the Animal Legal Defense Fund and the San Diego Humane Society. It also enjoys support from the California Poultry Federation and the California Farm Bureau. In support of the measure the Humane World for Animals submits the following:

Although the activity is illegal in every state and under federal law, cockfighting continues to be a widespread criminal industry in the US, and particularly in California. The USDA estimates that cockfighting is a multi-million-dollar criminal industry in California that

involves more than 3 million birds statewide. Humane World's animal fighting experts report that California has many of the largest gamefowl yards in the United States, often owned by notorious breeders who sell birds nationwide and internationally. They also report that they found evidence of gamefowl yards in 43 of 58 counties. Additionally, the three largest seizures of fighting birds in US history have all been in California. In a recent case in Ceres, California, the defendant was convicted of federal crimes related to the illegal sale of fighting birds, and nearly 3,000 birds were seized from his gamefowl yard. In 2017, Los Angeles County seized 7,000 birds on a gamefowl yard - the largest in U.S. history.

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 often associated with other criminal activities such as drug trafficking, gang activity, and illegal weapon sales.

Moreover, gamefowl are a high-risk disease vector for avian disease. They are raised unvaccinated without protection from wild birds, transported across the country without oversight, and often exposed to biofluids from other birds. The disease risk associated with gamefowl is especially relevant now as avian flu, often spread by wild birds, has caused the death of more than 23 million commercial and backyard poultry in California since the first outbreak. Furthermore, in 2003, roosters illegally smuggled into California from Mexico for cockfighting are believed to have caused a virulent Newcastle disease (vND) outbreak in the state that lasted eleven months, led to the depopulation of 3 million birds, and cost taxpayers \$167 million. The National Chicken Council testified in support of the Federal Animal Fighting Prohibition Act stating, "Cockfighting is an inhumane practice that presents a continuing threat to the health of commercial flocks."

Finally, in addition to fostering cruelty, crime, and disease, gamefowl yards make neighborhoods less desirable places to live as Californians do not want to reside with the nuisance of crowing roosters. These yards negatively impact property value and the quality of life for residents. For animals and our communities, Humane World is proud to sponsor AB 928.

ARGUMENTS IN OPPOSITION: This bill has received significant opposition from animal rescue organizations that appear to focus on providing sanctuary spaces for rescue chickens, heritage poultry breeders, and advocates on behalf of farms and rural properties that raise roosters. These organizations include the American Poultry Association, Green Acres 4H Poultry, Adopt a Bird Network, and the Southern California Poultry Club, among others. It is also opposed by 144 individuals. The Los Angeles Animal Defense League submits the following:

AB 928 claims to target illegal cockfighting operations but it would actually punish the ordinary people who provide the only feasible placement option for unwanted roosters.

The pet rooster overpopulation issue is mostly unacknowledged, even by most animal protection organizations, but it dwarves the issue of cockfighting in terms of numbers. That is largely because of the error rate in sexing chicks by hatcheries. Tractor Supply, the largest retailer of baby chicks to the general public, has stated that during its annual chick sales, one location will sell an average of 2000 chicks a week — which (over the ten-week period that TSC sells chicks) amounts to 20,000 chicks annually. Given TSC's own (conservative) estimate of a ten percent error rate in chick-sexing, that amounts to 2,000 unwanted

“surprise” roosters per store every year. With 91 locations in California, Tractor Supply alone (conservatively) accounts for over *180,000 unwanted “surprise” roosters annually* in our state. That doesn’t even account for all the unwanted roosters contributed by other feed stores, online hatcheries, and backyard breeders, who collectively likely churn out 5 times that number.

Where are all these unwanted roosters supposed to go? It’s already hard enough to find a rooster-friendly farm in the country who still has room for another rooster. AB 928 would make it exponentially harder. There is no sanctuary on earth that can take in thousands of roosters every year, and it’s not fair to place that burden on the handful of them that are already overwhelmed with unwanted roosters.

If people want to target cockfighting, then they should focus on the state’s weak cockfighting law, which provides for only misdemeanor penalties in most cases. Just as you wouldn’t punish all dogs because some people in some places use pitbulls in organized dogfighting, neither should you punish all roosters for the sake of going after cockfighters.

Pet roosters are so misunderstood by most people, and there is no reason to make things even harder for them and for the people who love them. For the sake of animal welfare, we urge you to please vote NO on AB 928.

REGISTERED SUPPORT / OPPOSITION:

Support

Humane World for Animals (sponsor)
Animal Legal Defense Fund
Animal Wellness Action
California Farm Bureau
California Poultry Federation
Humane Veterinary Medical Alliance (HUMANEVMA)
San Diego Humane Society and SPCA
SF SPCA
Social Compassion in Legislation

Support if Amended

Adopt a Bird Network

Opposition

American Bantam Association District 15
American Brahma Club
American Poultry Association
Association for The Preservation of Gamefowl
Cencal Bantams
Greater California Society of Poultry Fanciers
Green Acres 4H Poultry
Hen Harbor
Humboldt Poultry Fanciers Association

Los Angeles Animal Defense League
Nate's Chicks
Southern California Poultry Club LLC
The Livestock Conservancy
Over 140 individuals

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