

The State of South Carolina



Office of the Attorney General

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February 2, 1987

C. David Stone, Sheriff
County of Pickens
P. O. Box 491
Pickens, South Carolina 29671

Dear Sheriff Stone:

In a letter to this Office you questioned what animals are included in Sections 16-27-10 et seq. of the Code, the codified provisions of the recently-enacted "Animal Fighting and Baiting Act" (hereafter "the Act"). You also questioned the applicability of such provisions to cockfighting.

The term "animal" for purposes of the Act is defined by Section 16-27-20(a) as "... any live vertebrate creature, domestic or wild." Pursuant to Webster's Third International Dictionary, the term "vertebrate" is defined as "have a spinal column" and "of or relating to the Vertebrata." The term "Vertebrata" is further defined as "a major division of animals ... that comprises bilaterally symmetrical animals with a segmented spinal column...." Such definition further states that included in such term are mammals, birds, reptiles, amphibians and fishes. Therefore, such "animals" would be covered by the Act.

Pursuant to Section 16-27-60 the provisions of the referenced Act are inapplicable to any person

- (1) using any animal to pursue or take wildlife or to participate in hunting in accordance with the game and wildlife laws of this State and regulations of the South Carolina Wildlife and Marine Resources Department;

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- (2) using any animal to work livestock for agricultural purposes;
- (3) properly training or using dogs for law enforcement purposes or protection of persons and private property.

Such provision further specifically states that the provisions of such Act do not apply to game fowl. The term "game fowl" is defined by Webster's as "a bird of any of various strains of domestic fowls developed originally chiefly for the production of fighting cocks." In volume four of the Oxford English Dictionary the term "game fowl" is defined as "a domestic fowl of the species used in cockfighting." Therefore, the provisions of Sections 16-27-10 et seq. appear to be inapplicable to cockfighting.

As to the provision regulating cockfighting, Section 16-17-650 of the Code provides that it is a misdemeanor for any individual to engage in or be present at cockfighting in this State. Based upon my review, such provision remains effective.

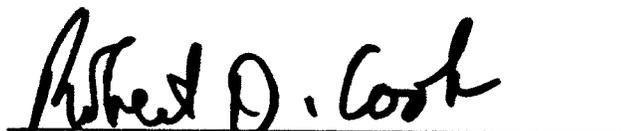
If there is anything further, please advise.

Sincerely,


Charles H. Richardson
Assistant Attorney General

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REVIEWED AND APPROVED BY:


Robert D. Cook
Executive Assistant for Opinions