

22 GCA BUSINESS REGULATIONS
CH. 39 COCKFIGHTING

**CHAPTER 39
COCKFIGHTING**

- § 39101. License Board: Established.
- § 39101. License Board: Terms and Compensation.
- § 39103. License Board: Rules and Regulations.
- § 39104. License Board Employees.
- § 39105. Cockpits, Authorization to License.
- § 39106. Licenses: Issuance.
- § 39107. Bid, Invitation for and Submission of
- § 39108. License, Award of.
- § 39109. License, Duration, Number, Suspension or Revocation;
Citizenship Requirement.
- § 39110. Cockfights: Days.
- § 39111. Operation of Cockpits.
- § 39112. Operation of Cockpits: Admission Fees.
- § 39113. Operation of Cockpits: Wagers.
- § 39114. Operation of Cockpits: Same: Fees.
- § 39115. Wagers.
- § 39116. Cockpits and Cockfighting.
- § 39117. Cockpits and Cockfighting: Drugging Gamecocks and Allied
Offenses.
- § 39118. Penalty.

§ 39101. License Board: Established.

There is hereby established in the Government of Guam a *Cockpit License Board* (hereafter referred to as the *Board*) which shall consist of three members including the chairman appointed by the Governor with the consent of the Legislature.

SOURCE: GC § 26100.

§ 39102. Same: Terms and Compensation.

The members and Chairman of the Board shall be appointed for terms of one (1) year each and shall receive compensation at the rate of Fifty Dollars (\$50) for each attendance at the meeting of the Board, provided, however, that no member shall receive more than One Hundred Dollars (\$100) per month.

SOURCE: GC § 26101; amended by P.L. 15-148:12.

22 GCA BUSINESS REGULATIONS
CH. 39 COCKFIGHTING

§ 39103. Same: Rules & Regulations.

The Governor may issue as Executive Orders and the Board may recommend to the Governor for issuance as Executive Orders such reasonable rules and regulations, not inconsistent with the laws of Guam as may be necessary or desirable to enable the Board to carry into effect the provisions of this Chapter.

SOURCE: GC § 26102.

§ 39104. Same: Employees.

Within the limits of the authorized budget and consistent with the Compensation Law of Guam [Title 4, GCA], the Board may employ and discharge such employees as shall from time to time be necessary in carrying out the duties and responsibilities imposed thereunder.

SOURCE: GC § 26103.

§ 39105. Cockpits, Authorization to License.

The Board is authorized to issue cockpit licenses for both *Balentia* and *Amara* cockpits. *Balentia* cockfighting shall be that in which the cocks are not equipped with knives or other sharp instruments. *Amara* cockfighting shall be that in which the cocks are equipped with knives or other sharp instruments. The Board may authorized a licensee to conduct either or both kinds of cockfighting.

SOURCE: GC § 26104; repealed and reenacted by P.L. 13-28:1.

§ 39106. Licenses: Issuance.

Licenses for the operation of cockpits shall be issued by the Board only after the awarding of the license as herein provided.

SOURCE: GC § 26105.

§ 39107. Bid, Invitation for and Submission of.

(a) Whenever there are two (2) or less current licenses in effect, the Board shall conduct a public meeting at which it shall review cockpit operations and authorize the letting of bids for licenses which will be new or which will replace the expired or non-renewed licenses.

(b) Not later than ninety (90) days prior to the expiration of an existing license the Board shall publish in a newspaper of general circulation within the territory its invitation for bids.

22 GCA BUSINESS REGULATIONS
CH. 39 COCKFIGHTING

(c) The invitation for bids shall specify the types of license to be granted and the municipality in which the license is intended to be granted.

(d) The notice shall be published at least once weekly for three (3) consecutive weeks. The notice shall state the address to which bids must be submitted and shall set a deadline, which shall be thirty (30) days following the day of last publication of notice, for the submission of bids.

(e) No bid for amara shall be considered unless it shall be accompanied by a deposit of One Hundred Dollars (\$100.00) which sum shall not be refundable and which shall be paid into the General Fund of Guam.

(f) No bid shall be considered unless it shall be submitted in a sealed envelope.

(g) The minimum bid which can be received or accepted by the Board for the operation of a cockpit in which amara fights may be conducted shall be Ten Thousand Dollars (\$10,000.00) for five (5) years.

(h) The minimum bid which can be received or accepted by the Board for the operation of a cockpit in which only balentia fights maybe conducted shall be Fifty Dollars (\$50.00) per year.

SOURCE: GC § 26106. Repealed and reenacted by P.L. 13-28:2. Subsection (a) "repealed and reenacted" by P.L. 16-120:28 although no evidence exists of a prior subsection (a). Subsection (a) further amended by P.L. 18-44:37. Subsection (b), which was probably the original section before subsection (a) was added, was amended by P.L. 19-44:38.

NOTE: Original §§26106 and 26107 were repealed in their entirety and a new §26106 [§ 39107] was enacted by P.L. 13-28:2.

§ 39108. License, Award of.

The board shall award the license to the highest bidder provided that the bidder is approved by the Board. In the event that the Board does not approve the highest bidder, or the highest bid is for any reason not acceptable to the Board, new notices shall be posted and bids received in the same manner as if no notice had been given.

SOURCE: GC § 26108. Amended by P.L. 13-28:3.

§ 39109. License, Duration, Number, Suspension or Revocation; Citizenship Requirement.

(a) Licenses to operate cockpits shall be issued for a five (5) year period and may be renewed for an additional five (5) year period upon payment of an amount equal to the amount of his original bid.

22 GCA BUSINESS REGULATIONS
CH. 39 COCKFIGHTING

(b) No more than three (3) licenses in which amara fights may be conducted shall be granted, *provided*, that this restriction shall not take effect until the expiration of licenses issued pursuant to previous law.

(c) The Board may suspend or revoke a license for violation of any section of this Chapter or of the rules and regulations issued pursuant thereto. Any action for suspension or revocation shall be taken as provided by the Administrative Adjudication Act.

(d) The Board shall not issue a license to any natural person who is not a citizen of the United States and a resident of Guam not to a legal entity in which the ownership is not at least fifty-one percent (51%) vested in citizens of the United States who are residents of Guam.

SOURCE: GC § 26109. Repealed and reenacted by P.L. 13-28:4; further repealed and reenacted by P.L. 16-120:28(b).

NOTE: Sections 26109 through 26112 were repealed in their entirety and a new § 26109 [§ 39109] was enacted. by P.L. 13-28:4.

§ 39110. Cockfights: Days.

(a) Cockfights may be held on Sundays, legal holidays or church holidays. In addition thereto, additional cockfight events may be held each year upon the approval thereof by a majority of the members of the Board.

(b) Notwithstanding any other provisions of law, I Maga'lahaen Guåhan [Governor of Guam] is authorized to allow the conduct of cockfights for the three (3) day weekend period consisting of Friday, Saturday and Sunday for every annual Village fiesta, for Discovery Day and for Fiestan Tasi, with the net proceeds of such cockfights to be given to the Municipal Planning Council of the Village in which the cockfight is held. The Village Mayor or Vice-Mayor will provide a report of the amount of the proceeds that is transmitted to the Municipal Planning Council not more than thirty (30) days from the last day of such event to the Department of Revenue and Taxation. Failure to submit such a report will be reason to deny granting future authorization to conduct such events.

SOURCE: Subsection (a): GC § 26110; amended by P.L. 3-28. Subsection (b): Codified by Compiler. Latest version added as a clearly permanent law by P.L. 22-41:29 (second paragraph). Repealed/reenacted by P.L. 26-52:3.

NOTE: P.L. 26-52:4 gives authority to promulgate Rules and Regulations relative to cockfighting and other forms of gambling. However, the licensees are limited to those licensed on Aug. 1, 2001. Section 4 states:

Section 4. Promulgation of Rules. Notwithstanding any other provisions of law, the Cockpit License Board, together with the Department of Revenue

22 GCA BUSINESS REGULATIONS
CH. 39 COCKFIGHTING

and Taxation, is hereby authorized to promulgate necessary rules and regulations to create a comprehensive regulatory scheme to regulate all gaming activities on Guam; provided, that the rules and regulations shall restrict gaming activities to those authorized and licensed on Guam as of August 1, 2001.

§ 39111. Operation of Cockpits.

Cockpits may be operated at any time on a day on which they are authorized to be held.

SOURCE: GC § 26114. Amended by P.L. 10-30. Repealed and reenacted by P.L. 16:120:28(c).

§ 39112. Same: Admission Fees.

The admission fee to a cockpit shall be Three Dollars (\$3.00).

SOURCE: GC § 26115 amended by P.L. 13-133:6.

§ 39113. Same: Wagers. (Repealed)

SOURCE: GC § 26116 was repealed by P.L. 3-23.

§ 39114. Same: Same: Fees.

For each combat between cocks, a fee not to exceed two percent (2%) of the total amount of bets, will be collected by the holder of the franchise.

SOURCE: GC § 26117.

§ 39115. Wagers.

All wagers on a combat shall be made only within the licensed premises and placed with the licensee or his agent.

SOURCE: GC § 26118.

§ 39116. Cockpits & Cockfighting.

Every person who shall:

(a) Operate a cockpit without a license is guilty of a misdemeanor;

(b) Engage in cockfighting outside of a licensed cockpit is guilty of a misdemeanor. Balentia (without knives or gaffs) or the training of gamecocks shall be exempted from the provision of this subsection, so long as no wagering is involved;

(c) While under the age of 18 years, attend a licensed cockpit is guilty of a violation punishable by a fine not exceeding Fifty Dollars (\$50.00).

22 GCA BUSINESS REGULATIONS
CH. 39 COCKFIGHTING

SOURCE: GC § 26119. Repealed and reenacted by P.L. 13-187:181. Amended by P.L. 16-120:28.

§ 39117. Same: Drugging Gamecocks and Allied Offenses.

(a) Every person who shall drug, cripple, poison, or in any manner injure any gamecock intended to be matched or entered in a lawful cockfight is guilty of a misdemeanor. For purposes of this section, the taking of a gamecock to within the enclosure of any cockpit shall be sufficient to constitute an intent to match.

(b) Every person who, at any time, has in his possession any grain or other chicken feed, or substance suitable for consumption by chickens which has been mixed or treated with any drug, chemical or other substance poisonous or harmful to chickens with intent to drug, cripple, poison, or in any manner injure any gamecock intended to be matched or entered in a lawful cockfight is guilty of a misdemeanor. For purposes of this section, possession of any grain or chicken feed, or substance suitable for consumption by chickens which has been mixed or treated with any drug, chemical, or other substance poisonous or harmful to chickens within the enclosure of any cockpit shall be sufficient to constitute an intent to drug, cripple, poison or in any manner injure any gamecock.

SOURCE: GC § 26120. Added by P.L. 13-187:182.

§ 39118. Penalty.

Violation of any provision of this Chapter or of any rule or regulation duly promulgated by Executive Order pursuant to the provisions of this Chapter for which another penalty is not expressly provided shall be a petty misdemeanor.

SOURCE: GC §26121. Added by P.L. 13-187:183.
