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Boxing And Wrestling Contests

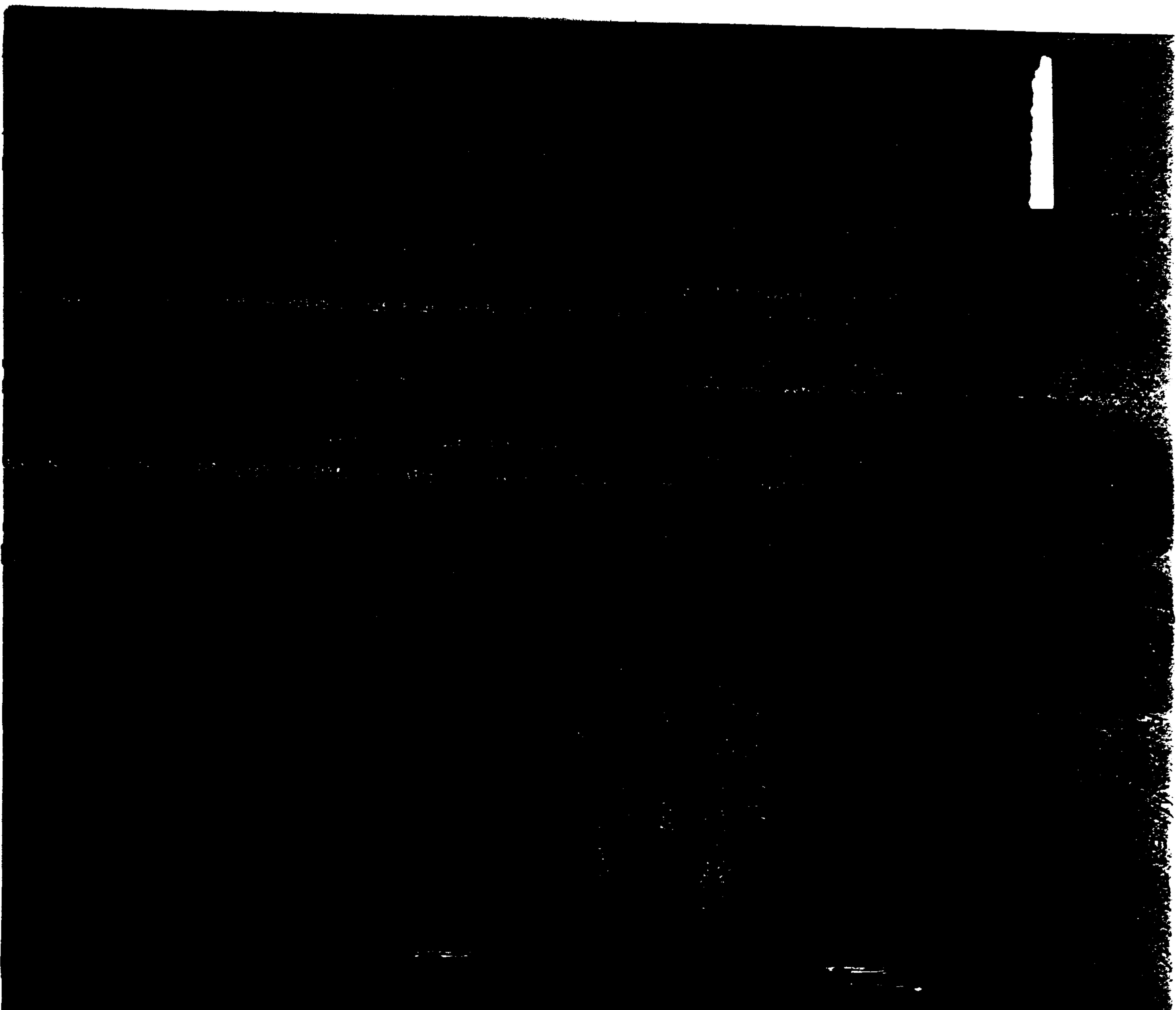
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he Attorney General has summarized the proposed measure as follows:

BOXING AND WRESTLING CONTESTS. Initiative measure. Authorizes boxing and wrestling contests for prizes or purses, or where admission fee is charged, limiting such boxing contests to twelve rounds; creates athletic commission empowered to license such contests and participants therein; prescribes conditions under which licenses shall be issued and contests held; declares amateur boxing contests, conducted under Section 412 of Penal Code which prohibits prize fights and limits amateur boxing contests to four rounds, shall be subject to provisions of this measure and under sole jurisdiction of such commission when admission fee is charged.

STATE OF CALIFORNIA,

County (or City and County) of Merced } ss.

To the Honorable Secretary of State of the State of California:

We, the undersigned, registered, qualified electors of the State of California, residents of Merced County (or City and County), present to the Secretary of State this petition, and request that the measure, hereinafter set forth, be submitted to the electors of the State of California for their approval or rejection at the next succeeding general election, or provided by law. The proposed measure reads as follows:

AN ACT

To authorize boxing and wrestling contests for prizes or purses, or where an admission fee is charged, and limiting such boxing contests to twelve rounds; to create an athletic commission empowered to license such contests and the participants therein; to prescribe conditions under which licenses shall be issued and contests held; to declare that amateur boxing contests conducted under Section 412 of the Penal Code shall be subject to the provisions of this measure and under the sole jurisdiction of such commission in all cases wherein an admission fee is charged spectators to witness such amateur boxing contests.

The people of the State of California do enact as follows:

Section 1. There is hereby created and established a board, which shall be known as the state athletic commission of California. The commission shall consist of three members to be appointed by the governor of the state within fifteen days after this act takes effect, who shall hold office for terms to expire on January first, one thousand nine hundred twenty-six, January first, one thousand nine hundred twenty-seven and January first, one thousand nine hundred twenty-eight, respectively. Their successors shall be appointed for full terms of four years and a vacancy occurring in the office of a member of such commission, otherwise than by expiration of term, shall be filled in like manner as an appointment for a full term, for an unexpired term. Two members of the commission, with the secretary, shall constitute a quorum for the exercise of the powers or authority conferred upon it; and the concurrence of at least two commissioners shall be necessary to render a choice or decisions by the commission. The commission shall maintain a general office for the transaction of its business in the City of Sacramento. The commission may hold meetings at any place other than the place in which the general office is located when the convenience of the commissioners so requires. The members of the commission shall, at their first meeting after their appointment, elect one of their number chairman of the commission, shall adopt a seal for the commission and may make such rules for the administration of their office, not inconsistent herewith, as they may deem expedient; and they may hereafter amend or abrogate such rules. The members of the commission shall receive no compensation for their services except actual traveling and other expenses incurred by them in the performance of their official duties.

Sec. 2. The commission shall appoint, and for cause remove, a secretary to the commission, and he shall hold office for four years, unless sooner removed for cause by the commission, whose duty it shall be to keep a full and true record of all its proceedings, preserve at its general office all its books, documents and papers, prepare for service such notices and other papers as may be required of him by the commission and to perform such other duties as the commission may prescribe; and he may, under the direction of the commission, issue subpoenas for the attendance of witnesses before the commission with the same effect as if they were issued in an action in the superior court, and may, under direction of the commission, administer oaths, in all matters appertaining to the duties of his office or connected with the administration of the affairs of the commission. Disobedience of such a subpoena and false swearing before such secretary shall be attended by the same consequences and be subject to the same penalties as if such disobedience or false swearing occurred in an action in the superior court. The secretary of the commission shall be entitled to receive an annual salary of three thousand six hundred dollars. The necessary traveling expenses and other necessary expenses of the secretary and the members of the commission, and the salary of the secretary, shall be paid monthly by the state treasurer on the warrant of the state controller and the certificate of the chairman of the commission out of the money appropriated to be used therefor. The commission shall appoint such clerical employes and inspectors as may be actually necessary and fix their salaries which shall be paid in like manner as the salaries of other employes of the commission out of the money hereby appropriated. All boxing contests, sparring or wrestling matches or exhibitions may be held in any building for which the commission in its discretion may issue a license. Where such match or contest is authorized to be held in state or city owned armory the provisions of the military law in respect thereto must be complied with. But no such match or contest shall be held in a building wholly or partly used for religious services. The commission shall annually make to the legislature a full report of its proceedings for the year ending with the first day of the preceding December and may submit, with such report, such recommendations pertaining to its affairs as to it shall seem desirable.

Sec. 3. Boxing contests, sparring and wrestling matches or exhibitions for prizes or purses, or where an admission fee is received, are hereby allowed except on Sundays, May 30th and November 11th. The commission shall have and hereby is vested with the sole direction, management, control and jurisdiction over all such boxing contests, sparring and wrestling matches or exhibitions to be conducted, held or given within the State of California, and no such boxing contest, sparring or wrestling match or exhibition shall be conducted, held or given within the state except in accordance with the provisions of this act. The commission may, in its discretion, issue, and at its pleasure revoke, a license to conduct, hold, or give boxing, sparring and wrestling contests, matches and exhibitions, where an admission fee is received, to any club, corporation, organization or association which holds a lease of a term of at least one year of the premises in which such match, contest or exhibition is to be held, except that where such match, contest of exhibition is to be given in an armory the lease thereof need not be for such term. Every license shall be subject to such rules and regulations, and

Initiative Measure Establishing State Athletic Commission, Regulating Boxing and Wrestling Contests

amendments thereof, as the commission may prescribe. The application for a license, as herein provided for, shall be in writing, and shall be addressed to the commission, and shall be verified by some officer of the club, corporation, organization or association on whose behalf the application may be made. It shall contain a recital of such facts as, under the provisions hereof, will show the applicant entitled to receive a license and, in addition thereto, such other facts and recitals as the commission may by rule require to be shown. Such application shall be accompanied by an annual fee, which shall be twenty-five dollars in cities of not more than five thousand inhabitants; forty dollars in cities of not more than fifty thousand inhabitants; fifty dollars in cities of not more than seventy-five thousand inhabitants; and seventy-five dollars in all cities of the state having a population of over seventy-five thousand and not to exceed one hundred and fifty thousand inhabitants; and one hundred dollars in all cities of this state having a population of one hundred and fifty thousand or more inhabitants. Before any such permit or license is granted to any club, corporation, organization or association, which shall have filed its application as herein provided, such applicant must file a bond of two thousand dollars with good and sufficient surety with the commission, conditioned for the faithful performance by said club, corporation, organization or association of the provisions of this act and the payment of the taxes herein imposed. In case of default in such performance, the commission may impose upon the delinquent a penalty in the sum of not more than one thousand dollars for each offense, which may be recovered by the attorney general in the name of the people of the State of California in the same manner as other penalties are recovered by law; any amount so recovered shall be paid to the state treasurer. The commission is hereby given the sole control, authority and jurisdiction over all licenses to any and all persons who participate in such boxing, sparring or wrestling matches, contests or exhibitions, as hereinafter provided.

Sec. 4. All clubs, corporations, organizations, associations, physicians, referees, timekeepers, professional boxers, professional wrestlers, their managers, trainers and seconds shall be licensed by the commission, and no such club, corporation, organization, association or person shall be permitted to participate, either directly or indirectly, in any such boxing, sparring or wrestling match, contest or exhibition, or the holding thereof, unless such club, corporation, organization, association or person shall have first procured a license from the commission. For the purposes of this act, a professional boxer or professional wrestler is deemed to be one who competes for a money prize or purse or teaches or pursues or assists in the practice of boxing or wrestling as a means of obtaining a livelihood or pecuniary gain, and any boxing or sparring contest conforming to the rules, regulations, and requirements of this act shall be deemed to be a boxing contest and not a prize fight.

Sec. 5. Any club, corporation, organization or association which may conduct, hold or give, or participate in, any sham or fake boxing contest or wrestling match or exhibition shall thereby forfeit its license issued in accordance with the provisions of this act, which shall thereupon be, by the commission, canceled and declared void; and it shall not thereafter be entitled to receive another such, or any license pursuant to the provisions of this act; nor shall any such license be issued to any club, corporation, organization or association, which has among its members any member who belonged to a club, corporation, organization or association which had its license revoked.

Sec. 6. Any contestant who shall participate in any sham or fake boxing contest or wrestling match or exhibition shall be penalized in the following manner: For the first offense he shall be restrained for a period of six months, such period to begin immediately after the occurrence of such offense, from participating in any boxing contest or wrestling match or exhibition to be held or given by any club, corporation, organization or association duly licensed to give or hold such contests, matches or exhibitions; for a second offense he shall be totally disqualified from further admission or participation in any boxing contest or wrestling match or exhibition held or given by any club, corporation, organization or association duly licensed for said purposes, in this state.

Sec. 7. Every club, corporation, organization or association which may hold or exercise any of the privileges conferred by this act shall, within seventy-two hours after the determination of every contest, match or exhibition for which an admission fee is charged and received, furnish to the commission a written report, duly verified by one of its officers, showing the number of tickets sold for such contest, match or exhibition and the amount of the gross receipts or proceeds thereof, and such other matters as the commission may prescribe, and shall also within the said time pay to the commission a tax of five per centum of its total gross receipts, exclusive of any federal taxes paid thereon, from the sale of tickets of admission to such boxing contest or wrestling match or exhibition, which tax shall be paid by the commission into the state treasury. All tickets of admission to any such boxing contest, sparring or wrestling match or exhibition shall have printed clearly upon the face thereof the purchase price of same, and no such tickets shall be sold for more than such price as printed thereon. No tax shall be levied or collected under the provisions of this act in respect to any admissions of a boxing contest or wrestling match or exhibition wherein all the proceeds or net earnings of which inure exclusively to the benefit of any post of the American Legion or any other duly recognized organization of veterans of any war of the United States and not to the benefit of any individual member thereof.

Sec. 8. Whenever any such club, corporation, organization or association shall fail to make a report of any contest, match or exhibition at the time prescribed by this act or whenever such report is unsatisfactory to the commission the secretary of the commission may examine or cause to be examined the books and records of such club, corporation, organization or association, and subpoena and examine under oath its officers and other persons as witnesses for the purpose of determining the total amount of its gross receipts for any contest, match or exhibition and the amount of tax due pursuant to the provisions of this act, which tax he may upon and as the result of such examination fix and determine. In case of the default in the payment of any tax so ascertained to be due, together with the expenses incurred in making such examination, for a period of thirty days after notice to such delinquent club, corporation, organization or association of the amount at which the same may be fixed by the commission, such delinquent shall, ipso facto, forfeit its license and shall be thereby disqualified from receiving any new license or any renewal of license; and it shall, in addition, forfeit to the people of the State of California the sum of five hundred dollars, which may be recovered by the attorney general in the name of the people of the State of California, in the same manner as other penalties are by law recovered.

Sec. 9. The commission shall appoint official representatives designated as "inspectors," each of whom shall receive from the commission a card, authorizing him to act as such inspector whenever the commission may designate him to act. An inspector or the secretary of the commission shall be present at all contests, exhibitions and matches and see that the rules are strictly observed, and also be present at the counting up of the gross receipts of all such contests, matches, or exhibitions, and shall immediately mail to the commission the official box office statement received by him from the officers of the club, corporation, organization or association.

Sec. 10. No boxing contest or sparring match or exhibition shall be of more than twelve rounds in length, such rounds to be not more than three minutes each, and there shall be one minute rest between each round; and no boxer shall be allowed to participate in more than twelve rounds within twelve consecutive hours. The commission may in respect to any bout or in respect to any class of contestants limit the number of rounds of a bout within the maximum of twelve rounds. At each boxing contest or sparring match or exhibition there shall be in attendance a duly licensed referee, who shall direct and control the same. Before starting such contest the referee shall ascertain from each contestant the name of his chief second, and shall hold such chief second responsible for the conduct of his assistant seconds during the progress of the contest. The referee shall have power in his discretion to declare forfeited any prize, remuneration or purse, or any part thereof, belonging to the contestants or one of them, or any part of the gate receipts for which said contestants are competing, if in his judgment such contestant or contestants are not honestly competing. The referee must stop the contest or match when either of the contestants shows a marked superiority or is apparently outclassed. No decision shall be rendered at the termination of any boxing contest or sparring match or exhibition which is of a longer duration than ten rounds held under the provisions of this act, but the referee shall, at the termination of all boxing contests or sparring matches or exhibitions which are of ten rounds or a less number of rounds, render his decision. Each contestant shall wear, during such contest, gloves weighing not less than five ounces, if such contestant weighs in ring attire 145 pounds or less, and six ounces if such contestant weighs more than 145 pounds. The provisions of this section shall apply to a wrestling contest or exhibition except that the commission shall by rule and regulation prescribe the length or duration of such contest or exhibition, the manner in which the contestants shall engage in such contest or exhibition and such further safe guards and conditions as shall insure fair, sportsmanlike and scientific wrestling contests or exhibitions.

Sec. 11. (a) All buildings or structures used or intended to be used for holding or giving such boxing contests, sparring or wrestling matches or exhibitions shall be properly ventilated and provided with fire exits and fire escapes, and in all manner conform to the laws, ordinances and regulations pertaining to buildings in the city or town where situated.

(b) It shall be the duty of every club, corporation, organization or association holding a license to conduct boxing contests, sparring or wrestling matches or exhibitions at its own expense, to have in attendance at every boxing contest, sparring or wrestling match or exhibition, a licensed physician who has had not less than three years' medical practice, whose duty it shall be to observe the physical condition of the boxers and wrestlers, and advise the referee with regard thereto, and one hour before contestants enter the ring to certify in writing over his signature, as to the contestants' physical condition to engage in such contest or exhibition, and a report of said medical examinations shall be filed with commission not later than twenty-four hours after the termination of a contest or exhibition.

(c) No contestant under the age of eighteen years shall be permitted to participate in any such boxing contest, sparring or wrestling match or exhibition.

(d) No person shall be admitted to a boxing contest, sparring or wrestling match or exhibition under the age of sixteen years, unless accompanied by his parent or guardian.

(e) No club, corporation, organization or association nor a member or stockholder thereof, shall have, either directly or indirectly, any financial interest in a boxer or wrestler competing on premises owned or leased by the club, corporation, organization or association, or in which such club, corporation, organization, association, member or stockholder thereof is otherwise interested.

(f) Every such club, corporation, organization or association and the officers thereof, and any such physician, referee, timekeeper, boxer, wrestler, manager, trainer, second or person, who shall conduct, give or participate in any sham or collusive boxing contest, sparring or wrestling match or exhibition, shall be deprived of his license by the commission.

(g) Each person who is an applicant for a license shall, before a license is issued by the commission, and annually thereafter during the life of such license, pay to the commission, a license fee as follows: physicians, five dollars; referees, twenty-five dollars; timekeepers, five dollars; professional boxers, five dollars; professional wrestlers, five dollars; managers, twenty-five dollars; trainers, five dollars; seconds, five dollars. Such licenses may be revoked by the commission upon such cause as the commission shall deem sufficient.

(h) No contestant shall be paid for services before a contest, and should it be determined by the referee and the commission that such contestant did not give an honest exhibition of his skill, such services shall not be paid for.

(i) No boxing contest, match or exhibition shall be allowed in which the difference in weight of the respective contestants shall exceed twelve pounds. This provision shall not apply to boxers who weigh over 170 pounds.

Sec. 12. Any club, corporation, organization, association or person who directly or indirectly holds any such boxing contest, sparring or wrestling match or exhibition except where all contestants are amateurs and no admission fee is charged to witness same, without first having procured a license as hereinbefore prescribed shall be guilty of a misdemeanor.

Sec. 13. No provisions of this act shall be construed to apply to any sparring, boxing or wrestling contest conducted under the supervision or the control of the California state national guard or naval militia where all of the contestants are members of the active national guard or naval militia.

Sec. 14. The commission shall have, and hereby is vested with, the sole direction, management, and control of and jurisdiction over all amateur boxing contests, sparring matches and exhibitions to be conducted in accordance with the provisions of section four hundred twelve of the Penal Code, wherein an admission fee is charged and received to witness said amateur boxing contest, sparring matches and exhibitions, and same are subject to the provisions of this act.

Sec. 15. All money receipts of the commission shall be paid over to the state treasurer, within one month after receipt of same. All such moneys to the amount of forty thousand dollars annually are hereby appropriated to be used to defray the expenses of the commission and to pay the salaries of the officers and employees provided for herein. All moneys remaining in the state treasury from the money receipts paid under the provisions of this act shall be, and are hereby appropriated for the purpose of maintaining such homes for the care of veterans of any war of the United States as may be existing at the time this act becomes effective, or that may be established by the laws of this state. Such moneys to be apportioned as the legislature of the State of California may direct.

Sec. 16. Any club, corporation, organization, association or person who violates any of the provisions of this act, for which a penalty is not herein expressly prescribed, shall be guilty of a misdemeanor.