

**Opinion No. [29-59]**

September 16, 1929

**BY:** J. A. MILLER, Assistant Attorney General

**TO:** Captain E. B. Schlant, Ass't. Division Judge Advocate, Fort Bliss, Texas.

PRIZE FIGHTS -- Not prohibited in New Mexico.

**OPINION**

Yours of the 13th inst. directed to the Attorney General has been handed to me for attention because of the fact that Mr. Otero is at present tied up in connection with a grand jury investigation.

You ask to be advised as to whether or not there are laws in New Mexico prohibiting or permitting prize fighting and boxing.

So far as I know there is no statute in New Mexico making specific mention of prize fighting either to prohibiting or to permitting. The nearest approach to such statute is probably section 1700 of the Codification of 1915, which section reads as follows:

"Sec. 1700. If two or more persons, voluntarily or by agreement, engage in any fight or use any blows or violence toward each other in an angry or quarrelsome manner, in any public place, to the disturbance of others, they are guilty of affray, and shall be punished by imprisonment in the county jail not exceeding three months, or by fine not exceeding fifty dollars."

Were it not for the words "in an angry or quarrelsome manner" and "to the disturbance of others", it is probable that this section could be held to apply to a prize fight or a boxing contest. However, the intent of the legislature seems rather to have been to prohibit fighting in a public place to the disturbance of others and it is not at all probable that a court would hold that the persons who voluntarily attend such a contest could be held to be disturbed by the program there put on.

In my opinion this section does not, nor does any other section of our statutes, prohibit prize fighting in New Mexico. Such also has been the expression of opinion of other Attorneys General.