

1-1 By: Cyrier (Senate Sponsor - Kolkhorst) H.B. No. 1480
1-2 (In the Senate - Received from the House May 17, 2021;
1-3 May 17, 2021, read first time and referred to Committee on Water,
1-4 Agriculture & Rural Affairs; May 20, 2021, reported adversely,
1-5 with favorable Committee Substitute by the following vote: Yeas 9,
1-6 Nays 0; May 20, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Perry</u>	X		
1-10	<u>Springer</u>	X		
1-11	<u>Creighton</u>	X		
1-12	<u>Eckhardt</u>	X		
1-13	<u>Gutierrez</u>	X		
1-14	<u>Johnson</u>	X		
1-15	<u>Kolkhorst</u>	X		
1-16	<u>Powell</u>	X		
1-17	<u>Taylor</u>	X		

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 1480 By: Kolkhorst

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the protection of animal and crop facilities; creating
1-22 a criminal offense.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Title 8, Agriculture Code, is amended by adding
1-25 Chapter 252 to read as follows:

1-26 CHAPTER 252. ANIMAL AND CROP FACILITIES

1-27 Sec. 252.001. DEFINITIONS. In this chapter:

1-28 (1) "Animal" means poultry, livestock, and other
1-29 domestic and wild animals. The term does not include an animal used
1-30 for illegal gaming.

1-31 (2) "Animal or crop facility" means a facility that is
1-32 used in the agricultural production of animals or crops. The term
1-33 includes:

1-34 (A) a tractor, trailer, farm implement of
1-35 husbandry, building, greenhouse, structure, laboratory, pasture,
1-36 field, paddock, pond, impoundment, or premises where animals or
1-37 crops are located;

1-38 (B) a managed bee colony; and

1-39 (C) a livestock market.

1-40 (3) "Crop" includes a shrub, vine, tree, seedling,
1-41 shoot, slip, or other plant capable of producing food, fiber,
1-42 medicine, nursery stock, floral products, or aesthetic beauty.

1-43 Sec. 252.002. CRIMINAL OFFENSE. (a) Except as provided by
1-44 Subsection (b), a person commits an offense if the person:

1-45 (1) intentionally releases, steals, destroys, or
1-46 otherwise causes the loss of an animal or crop from an animal or
1-47 crop facility without the consent of the owner or operator of the
1-48 animal or crop facility;

1-49 (2) damages, vandalizes, or steals any property on or
1-50 from an animal or crop facility;

1-51 (3) breaks and enters into an animal or crop facility
1-52 with the intent to destroy or alter records, data, materials,
1-53 equipment, animals, or crops; or

1-54 (4) enters or remains on an animal or crop facility
1-55 with the intent to commit an act prohibited under this section.

1-56 (b) An actor's conduct described by Subsection (a) does not
1-57 constitute an offense under this section if the actor causes a loss
1-58 to the animal or crop facility in an amount less than \$500.

1-59 (c) An offense under this section is:

1-60 (1) a Class B misdemeanor if the actor causes a loss to

2-1 the animal or crop facility in an amount of at least \$500 but not
2-2 more than \$2,500; or

2-3 (2) a Class A misdemeanor if the actor causes a loss to
2-4 the animal or crop facility in an amount more than \$2,500.

2-5 (d) Except as provided by Subsection (e), if conduct
2-6 constituting an offense under this section also constitutes an
2-7 offense under another provision of law, the person may be
2-8 prosecuted under either this section or the other provision.

2-9 (e) If conduct that constitutes an offense under this
2-10 section also constitutes a felony under Section 28.03 or 31.03,
2-11 Penal Code, the actor may be prosecuted only under Section 28.03 or
2-12 31.03, Penal Code.

2-13 Sec. 252.003. MANDATORY RESTITUTION. (a) The court shall
2-14 order a defendant convicted of an offense under Section 252.002 to
2-15 pay restitution to the owner or operator of the animal or crop
2-16 facility in an amount equal to the amount of the loss caused by the
2-17 actor, including the value of any animal or crop damaged,
2-18 destroyed, or lost.

2-19 (b) The court shall, after considering the financial
2-20 circumstances of the defendant, specify in a restitution order
2-21 issued under Subsection (a) the manner in which the defendant must
2-22 pay the restitution.

2-23 (c) A restitution order issued under Subsection (a) may be
2-24 enforced by the state or a victim named in the order to receive the
2-25 restitution in the same manner as a judgment in a civil action. A
2-26 victim may recover court costs and reasonable attorney's fees
2-27 incurred in enforcing a restitution order as provided by this
2-28 subsection.

2-29 (d) The court may hold a hearing, make findings of fact, and
2-30 amend a restitution order issued under Subsection (a) if the
2-31 defendant fails to pay the victim named in the order in the manner
2-32 specified by the court.

2-33 Sec. 252.004. INJUNCTIVE RELIEF. (a) The owner or
2-34 operator of an animal or crop facility may bring an action for
2-35 injunctive relief against a person who engages or threatens to
2-36 engage in conduct that constitutes an offense under Section
2-37 252.002.

2-38 (b) The action may be brought in a district court in a county
2-39 in which any part of the conduct or threatened conduct occurs.

2-40 (c) The court may grant any appropriate injunctive relief to
2-41 prevent or abate the conduct or threatened conduct, including a
2-42 temporary restraining order, temporary injunction, or permanent
2-43 injunction.

2-44 SECTION 2. This Act takes effect September 1, 2021.

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