

1-1 By: Vasut, Cain (Senate Sponsor - Zaffirini) H.B. No. 3660
 1-2 (In the Senate - Received from the House May 1, 2023;
 1-3 May 2, 2023, read first time and referred to Committee on Criminal
 1-4 Justice; May 17, 2023, reported favorably by the following vote:
 1-5 Yeas 7, Nays 0; May 17, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to a defense to prosecution for the offense of cruelty to
 1-18 nonlivestock animals under certain circumstances.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 42.092(a), Penal Code, is amended by
 1-21 adding Subdivisions (9) and (10) to read as follows:

1-22 (9) "Trap-Neuter-Return Program" means a nonlethal
 1-23 population control practice in which an animal is:

1-24 (A) trapped;

1-25 (B) evaluated by a veterinarian;

1-26 (C) if unvaccinated, vaccinated by a
 1-27 veterinarian;

1-28 (D) if unsterilized, sterilized by a
 1-29 veterinarian;

1-30 (E) marked by a veterinarian, whether by notching
 1-31 or tipping one ear or otherwise; and

1-32 (F) returned to the trap location.

1-33 (10) "Veterinarian" shall have the same meaning as
 1-34 set forth in Section 801.002, Occupations Code.

1-35 SECTION 2. Section 42.092, Penal Code, is amended by adding
 1-36 Subsections (e-1) and (e-2) to read as follows:

1-37 (e-1) It is a defense to prosecution under Subsection (b)(4)
 1-38 that the actor released or returned a stray or feral animal which is
 1-39 not a wild living creature pursuant to a Trap-Neuter-Return
 1-40 Program.

1-41 (e-2) It is a defense to prosecution under Subsection (b)(4)
 1-42 that the actor released or returned a previously trapped wild
 1-43 living creature in accordance with Texas wildlife laws and
 1-44 regulations.

1-45 SECTION 3. The change in law made by this Act applies only
 1-46 to an offense committed on or after the effective date of this Act.
 1-47 An offense committed before the effective date of this Act is
 1-48 governed by the law in effect on the date the offense was committed,
 1-49 and the former law is continued in effect for that purpose. For
 1-50 purposes of this section, an offense was committed before the
 1-51 effective date of this Act if any element of the offense occurred
 1-52 before that date.

1-53 SECTION 4. This Act takes effect immediately if it receives
 1-54 a vote of two-thirds of all members elected to each house, as
 1-55 provided by Section 39, Article III, Texas Constitution. If this
 1-56 Act does not receive the vote necessary for immediate effect, this
 1-57 Act takes effect September 1, 2023.

1-58 * * * * *