

By: Allen

H.B. No. 433

A BILL TO BE ENTITLED

AN ACT

relating to criminal offenses involving acts against certain activities involving animals or involving natural resources and to civil consequences arising from convictions of those offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 28, Penal Code, is amended by adding Section 28.09 to read as follows:

Sec. 28.09. ANIMAL RIGHTS AND ECOLOGICAL TERRORISM. (a) In this section:

(1) "Activity involving animals" means any lawful activity involving the use of animals, including:

(A) hunting and trapping;

(B) food production, processing, and preparation;

(C) clothing manufacturing and distribution;

(D) medical or other research;

(E) entertainment and recreation; and

(F) agriculture.

(2) "Activity involving natural resources" means any lawful activity involving the use of a natural resource with an economic value, including mining, foresting, harvesting, or processing natural resources.

(3) "Animal facility" means a vehicle, building, structure, or other premises where an animal is lawfully:

1 (A) housed, exhibited, or offered for sale,
2 including a zoo, amusement park, or preserve or a location at which
3 a circus or a rodeo or other competitive event is held; or

4 (B) used for scientific purposes, including
5 research, testing, and experiments.

6 (4) "Animal rights or ecological terrorist
7 organization" means two or more persons organized for the purpose
8 of supporting any politically motivated activity intended to
9 obstruct or deter any person from participating in an activity
10 involving animals or an activity involving natural resources.

11 (5) "Political motivation" means an intent to
12 influence a governmental entity or the public to take a specific
13 political action.

14 (b) A person commits an offense if the person, with
15 political motivation or while acting on behalf of an animal rights
16 or ecological terrorist organization:

17 (1) prevents an individual from lawfully
18 participating in an activity involving animals or an activity
19 involving natural resources by:

20 (A) obstructing the use of an animal or a natural
21 resource owned by the individual, if the obstruction is for a period
22 of time sufficient to significantly decrease the value or enjoyment
23 of the animal or the natural resource to the individual;

24 (B) damaging or disposing of an animal or a
25 natural resource owned by the individual, if the damage or disposal
26 substantially reduces the condition or usefulness of the animal or
27 the natural resource; or

1 (C) detaining an animal or a natural resource
2 owned by the individual and demanding compensation in exchange for
3 release of the animal or the natural resource; or

4 (2) prevents an individual's use of an animal facility
5 without the effective consent of the facility's owner by:

6 (A) damaging the facility or property in the
7 facility;

8 (B) physically disrupting the operation of the
9 facility;

10 (C) unlawfully entering or remaining in the
11 facility and engaging in an activity described by Subdivision (1);

12 (D) unlawfully entering or remaining in the
13 facility despite notice denying entry; or

14 (E) entering the facility to take photographs or
15 a video recording with the intent to defame the facility or the
16 facility's owner.

17 (c) A person commits an offense if the person knowingly
18 provides financial support, resources, or other assistance to an
19 animal rights or ecological terrorism organization for the purpose
20 of assisting the organization in carrying out an act described by
21 Subsection (b).

22 (d) An offense under Subsection (c) is a Class B
23 misdemeanor. An offense under Subsection (b) is:

24 (1) a Class B misdemeanor if the amount of pecuniary
25 loss resulting from the commission of the offense is less than \$500;
26 or

27 (2) a state jail felony if the amount of pecuniary loss

1 is \$500 or more.

2 (e) The punishment for an offense described by Subsection
3 (d) is increased to the next higher category of punishment if the
4 offense results in bodily harm to any individual.

5 (f) It is an exception to the application of Subsection (b)
6 that the conduct is engaged in by:

7 (1) an employee of a government agency acting in the
8 course and scope of their employment;

9 (2) an employee of a financial institution or other
10 secured party acting in the course and scope of their employment; or

11 (3) an employee of an animal control authority or a
12 recognized animal shelter or humane society acting in the course
13 and scope of their employment.

14 (g) If conduct that constitutes an offense under this
15 section also constitutes an offense under any other section of this
16 code, the actor may be prosecuted under either section or both
17 sections.

18 SECTION 2. Title 6, Civil Practice and Remedies Code, is
19 amended by adding Chapter 148 to read as follows:

20 CHAPTER 148. ANIMAL RIGHTS OR ECOLOGICAL TERRORISM

21 Sec. 148.001. CAUSE OF ACTION. (a) A person who is injured
22 or whose property has been injured as a result of a violation under
23 Section 28.09, Penal Code, has a civil cause of action if the
24 conduct constituting the violation was committed knowingly or
25 intentionally.

26 (b) A person must bring suit for damages under this section
27 before the earlier of the fifth anniversary of the date of the last

1 act in the course of the conduct constituting a violation under
2 Section 28.09, Penal Code, or the second anniversary of the date the
3 claimant first discovered or had reasonable opportunity to discover
4 the violation.

5 Sec. 148.002. DAMAGES. A person who establishes a cause of
6 action under this chapter may recover:

7 (1) an amount equal to three times the amount of
8 economic damages, including any damages related to damaged records,
9 lost profits, or the cost of repeating an experiment; and

10 (2) court costs and reasonable attorney's fees.

11 SECTION 3. Subchapter D, Chapter 411, Government Code, is
12 amended by adding Section 411.0422 to read as follows:

13 Sec. 411.0422. INFORMATION REGARDING ANIMAL RIGHTS OR
14 ECOLOGICAL TERRORIST. (a) The department shall create a record of
15 each individual who commits an offense under Section 28.09, Penal
16 Code.

17 (b) A record created under this section must include the
18 individual's name, residence address, and signature and a recent
19 photograph of the individual.

20 (c) If an individual who is the subject of a record makes a
21 change in name or address, the individual shall, not later than the
22 30th day after making the change, provide to the department written
23 notice of the change.

24 (d) The department shall maintain an Internet website
25 containing each record described by this section. A record must
26 remain on the website for at least three years, at which time the
27 individual who is the subject of the record may apply to the

1 department for a hearing on removal of the record.

2 SECTION 4. (a) The change in law made by this Act applies
3 only to an offense committed on or after the effective date of this
4 Act. For purposes of this section, an offense is committed before
5 the effective date of this Act if any element of the offense occurs
6 before that date.

7 (b) An offense committed before the effective date of this
8 Act is governed by the law in effect when the offense was committed,
9 and the former law is continued in effect for that purpose.

10 SECTION 5. This Act takes effect September 1, 2003.