

By: Zedler

H.B. No. 1139

A BILL TO BE ENTITLED

AN ACT

relating to the offense of cruelty to animals.

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

SECTION 1. Section 42.09, Penal Code, is amended by amending Subsection (a) and adding Subsection (i) to read as follows:

(a) A person commits an offense if the person intentionally or knowingly:

(1) tortures an animal, an uncaptured wild living creature, or a wild creature whose capture was accomplished by conduct at issue under this section;

(2) fails unreasonably to provide necessary food, care, or shelter for an animal in the person's custody;

(3) abandons unreasonably an animal in the person's custody;

(4) transports or confines an animal in a cruel manner;

(5) kills, seriously injures, or administers poison to an animal, other than cattle, horses, sheep, swine, or goats, belonging to another without legal authority or the owner's effective consent;

(6) causes one animal to fight with another;

(7) uses a live animal as a lure in dog race training or in dog coursing on a racetrack;

1 (8) trips a horse;

2 (9) injures an animal, other than cattle, horses,  
3 sheep, swine, or goats, belonging to another without legal  
4 authority or the owner's effective consent; or

5 (10) seriously overworks an animal.

6 (i) It is an exception to the application of Subsection  
7 (a)(1) that the conduct engaged in by the actor is a generally  
8 accepted and otherwise lawful action directed toward the use of an  
9 uncaptured wild living creature or a wild creature the capture of  
10 which was accomplished by conduct at issue under this section if  
11 that action occurs solely for the purpose of:

12 (1) fishing, hunting, or trapping; or

13 (2) wildlife control as regulated by state and federal  
14 law.

15 SECTION 2. (a) This Act takes effect September 1, 2003.

16 (b) The change in law made by this Act applies only to an  
17 offense committed on or after the effective date of this Act. An  
18 offense committed before the effective date of this Act is covered  
19 by the law in effect when the offense was committed, and the former  
20 law is continued in effect for that purpose. For purposes of this  
21 section, an offense was committed before the effective date of this  
22 Act if any element of the offense was committed before that date.