

By: Allen

H.B. No. 1516

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the investigation and prosecution of an offense
3 motivated by objection to certain activities involving animals,
4 activities involving natural resources, or activities involving
5 the operation of an animal facility.

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

7 SECTION 1. Chapter 42, Code of Criminal Procedure, is
8 amended by adding Article 42.0145 to read as follows:

9 Art. 42.0145. FINDING THAT OFFENSE WAS COMMITTED BECAUSE OF
10 OBJECTION TO ANIMAL OR ECOLOGICAL ACTIVITY OR ANIMAL FACILITY. (a)

11 In this section:

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

14 (A) hunting and trapping;

15 (B) food production, processing, and
16 preparation;

17 (C) clothing manufacturing and distribution;

18 (D) medical or other research;

19 (E) entertainment and recreation; and

20 (F) agriculture.

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

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

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

6 (B) used for scientific purposes, including
7 research, testing, and experiments.

8 (b) In the trial of an offense under Chapter 19, 20, 22, 28,
9 29, 30, 31, 33, or 42, Penal Code, or Section 46.08, Penal Code, the
10 judge shall make an affirmative finding of fact and enter the
11 affirmative finding in the judgment of the case if at the guilt or
12 innocence phase of the trial the judge or the jury, whichever is the
13 trier of fact, determines beyond a reasonable doubt that the
14 defendant intentionally selected the person against whom the
15 offense was committed or intentionally selected property damaged or
16 affected as a result of the offense because of the defendant's
17 objection to participation by others in an activity involving
18 animals, an activity involving natural resources, or an activity
19 involving the operation of an animal facility.

20 SECTION 2. Article 42.01, Code of Criminal Procedure, is
21 amended by adding Section 9 to read as follows:

22 Sec. 9. In addition to the information described by Section
23 1, the judgment should reflect affirmative findings entered
24 pursuant to Article 42.0145.

25 SECTION 3. Subchapter D, Chapter 12, Penal Code, is amended
26 by adding Section 12.475 to read as follows:

27 Sec. 12.475. PENALTY IF OFFENSE COMMITTED BECAUSE OF

1 OBJECTION TO ANIMAL OR ECOLOGICAL ACTIVITY OR ANIMAL FACILITY. (a)
2 In this section, "activity involving animals," "activity involving
3 natural resources," and "animal facility" have the meanings
4 assigned by Article 42.0145, Code of Criminal Procedure.

5 (b) If an affirmative finding under Article 42.0145, Code of
6 Criminal Procedure, is made in the trial of an offense other than a
7 first degree felony or a Class A misdemeanor, the punishment for the
8 offense is increased to the punishment prescribed for the next
9 highest category of offense. If the offense is a Class A
10 misdemeanor, the minimum term of confinement for the offense is
11 increased to 180 days.

12 (c) The attorney general, if requested to do so by a
13 prosecuting attorney, may assist the prosecuting attorney in the
14 investigation or prosecution of an offense committed because of an
15 objection to an activity involving animals or an activity involving
16 natural resources or to the operation of an animal facility. The
17 attorney general shall designate one individual in the division of
18 the attorney general's office that assists in the prosecution of
19 criminal cases to coordinate responses to requests made under this
20 subsection.

21 SECTION 4. (a) The change in law made by this Act applies
22 only to an offense committed on or after the effective date of this
23 Act. For purposes of this section, an offense is committed before
24 the effective date of this Act if any element of the offense occurs
25 before the effective date.

26 (b) An offense committed before the effective date of this
27 Act is governed by the law in effect when the offense was committed,

1 and the former law is continued in effect for that purpose.

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