

A BILL TO BE ENTITLED

AN ACT

relating to criminal offenses involving acts against certain activities involving animals or crops.

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. INTERFERENCE WITH ANIMAL ACTIVITIES OR RESEARCH CROPS. (a) In this section:

(1) "Activity involving animals" means any lawful activity involving the use of an animal other than a pet, including:

(A) food production, processing, and preparation;

(B) clothing manufacturing and distribution;

(C) medical or other research; and

(D) agriculture.

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

(A) housed, exhibited, or offered for sale; or

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

(3) "Crop facility" means any area where a crop, including a crop product, is grown or stored for sale or for scientific research or product development in cooperation with a research facility, a university, or any government agency.

1 (b) A person commits an offense if the person:

2 (1) despite notice denying entry, unlawfully enters an
3 animal facility or crop facility with the intent to commit an
4 offense described by Subdivision (2) or (3);

5 (2) prevents an individual from lawfully
6 participating in an activity involving animals or an activity
7 involving crops by:

8 (A) obstructing the use of an animal or a crop
9 owned by the individual, if the obstruction is for a period of time
10 sufficient to significantly decrease the value or enjoyment of the
11 animal or the crop to the individual; or

12 (B) damaging or disposing of an animal or a crop
13 owned by the individual, if the damage or disposal substantially
14 reduces the condition or usefulness of the animal or the crop; or

15 (3) prevents an individual's use of an animal facility
16 or crop facility without the effective consent of the facility's
17 owner by:

18 (A) damaging the facility or property in the
19 facility;

20 (B) physically disrupting the operation of the
21 facility; or

22 (C) unlawfully entering or remaining in the
23 facility and engaging in an activity described by Subdivision (2).

24 (c) An offense under Subsection (b)(1) is a Class A
25 misdemeanor. An offense under Subsection (b)(2) or (3) is a state
26 jail felony if the amount of pecuniary loss is \$500 or more.

27 (d) It is an exception to the application of Subsection (b)

1 that the conduct is engaged in by:

2 (1) an employee of a government agency acting in the
3 course and scope of employment;

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

6 (3) an employee of an animal control authority or a
7 recognized animal shelter or humane society acting in the course
8 and scope of employment.

9 (e) If conduct that constitutes an offense under this
10 section also constitutes an offense under any other section of this
11 code, the actor may be prosecuted under either section or both
12 sections.

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

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

21 SECTION 3. This Act takes effect September 1, 2003.