

By: Goodman

H.B. No. 326

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(a), Penal Code, is amended to read as follows:

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

(1) kills in a cruel manner, tortures, or causes serious bodily injury to an animal;

(2) fails unreasonably to provide necessary food, water, 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, not owned by the actor, ~~[other than cattle, horses, sheep, swine, or goats, belonging to another]~~ without legal authority or the owner's effective consent;

(6) trains, conditions, or 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;

(8) trips a horse;

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

5 (10) seriously overworks an animal.

6 SECTION 2. Sections 42.09(c)(2) and (5), Penal Code, are
7 amended to read as follows:

8 (2) "Animal" means a nonhuman mammal, bird, or captive
9 amphibian or reptile [~~domesticated living creature and wild living~~
10 ~~creature previously captured. "Animal" does not include an~~
11 ~~uncaptured wild creature or a wild creature whose capture was~~
12 ~~accomplished by conduct at issue under this section~~].

13 (5) "Necessary food, water, care, or shelter" includes
14 food, water, care, or shelter provided to the extent required to
15 maintain the animal in a state of good health.

16 SECTION 3. Section 42.09(h), Penal Code, is amended to read
17 as follows:

18 (h) It is a defense to prosecution for an offense under [~~an~~
19 ~~exception to the application of~~] this section that the conduct
20 engaged in by the actor is a generally accepted and otherwise
21 lawful:

22 (1) use of an animal if that use occurs solely for the
23 purpose of:

24 (A) fishing, hunting, or trapping; or

25 (B) wildlife control as regulated by state and
26 federal law; [~~or~~]

27 (2) animal husbandry or farming practice involving

1 livestock; or

2 (3) activity to control common household vermin or
3 rodents.

4 SECTION 4. The change in law made by this Act applies only
5 to an offense committed on or after the effective date of this Act.
6 An offense committed before the effective date of this Act is
7 covered by the law in effect when the offense was committed, and the
8 former law is continued in effect for that purpose. For purposes of
9 this section, an offense was committed before the effective date of
10 this Act if any element of the offense was committed before that
11 date.

12 SECTION 5. This Act takes effect September 1, 2005.