

By: Brown of Brazos

H.B. No. 590

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 bodily injury to an animal;

(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 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) 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; or

(9) ~~[injures an animal, other than cattle, horses,~~

1 ~~sheep, swine, or goats, belonging to another without legal~~
2 ~~authority or the owner's effective consent; or~~

3 [~~(10)~~] seriously overworks an animal.

4 SECTION 2. Section 42.09(c)(2), Penal Code, is amended to
5 read as follows:

6 (2) "Animal" means a domesticated living creature or
7 ~~[and] wild living creature [previously captured. "Animal" does not~~
8 ~~include an uncaptured wild creature or a wild creature whose~~
9 ~~capture was accomplished by conduct at issue under this section].~~

10 SECTION 3. Sections 42.09(d) and (h), Penal Code, are
11 amended to read as follows:

12 (d) An offense under Subsection (a)(2), (3), (4), or (9) [~~7~~
13 ~~or (10)~~] is a Class A misdemeanor, except that the offense is a
14 state jail felony if the person has previously been convicted two
15 times under this section.

16 (h) It is an exception to the application of this section
17 that the conduct engaged in by the actor is a generally accepted and
18 otherwise lawful:

19 (1) use of an animal if that use occurs solely for the
20 purpose of:

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

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

24 (2) animal husbandry or farming practice involving
25 livestock; or

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

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

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