

By: Driver

H.B. No. 1807

Substitute the following for H.B. No. 1807:

By: Frost

C.S.H.B. No. 1807

A BILL TO BE ENTITLED

AN ACT

relating to the offense of attack on an assistance animal.

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

SECTION 1. The heading to Section 42.091, Penal Code, is amended to read as follows:

Sec. 42.091. ASSAULT ~~[ATTACK]~~ ON ASSISTANCE ANIMAL.

SECTION 2. Sections 42.091(a)-(c), Penal Code, are amended to read as follows:

(a) A person commits an offense if the person intentionally, knowingly, or recklessly ~~[attacks,~~ injures~~]~~ or kills an assistance animal belonging to another without legal authority or the owner's consent.

(b) A person commits an offense if the person intentionally, knowingly, or recklessly incites or permits an animal owned by or otherwise in the custody of the actor to ~~[attack,~~ injure~~]~~ or kill an assistance animal ~~[and, as a result of the person's conduct, the assistance animal is attacked, injured, or killed].~~

(c) An offense under this section is a:

(1) ~~[Class A misdemeanor if the actor or an animal owned by or otherwise in the custody of the actor attacks an assistance animal,~~

~~[(2)]~~ state jail felony if the actor or an animal owned by or otherwise in the custody of the actor injures an assistance animal; or

1           (2) [~~(3)~~] felony of the third degree if the actor or an  
2 animal owned by or otherwise in the custody of the actor kills an  
3 assistance animal.

4           SECTION 3. 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 4. This Act takes effect September 1, 2005.