

By: Quintanilla

H.B. No. 1962

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the prosecution and punishment of cruelty to animals.

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

4 SECTION 1. Sections 42.09(d) and (h), Penal Code, are  
5 amended to read as follows:

6 (d) An offense under Subsection (a)(2), (3), (4), (9), or  
7 (10) is a Class C [~~A~~] misdemeanor, except that:

8 (1) the offense is a Class B misdemeanor if the person  
9 has previously been convicted one time under this section; and

10 (2) the offense is a Class A misdemeanor [~~state jail~~  
11 ~~felony~~] if the person has previously been convicted two times under  
12 this section.

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

16 (1) use of an animal if that use occurs solely for the  
17 purpose of:

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

19 (B) wildlife control as regulated by state and  
20 federal law; or

21 (2) animal husbandry or farming practice involving  
22 livestock, including poultry.

23 SECTION 2. The change in law made by this Act applies only  
24 to an offense committed on or after the effective date of this Act.

1 An offense committed before the effective date of this Act is  
2 covered by the law in effect when the offense was committed, and the  
3 former law is continued in effect for that purpose. For purposes of  
4 this section, an offense was committed before the effective date of  
5 this Act if any element of the offense was committed before that  
6 date.

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