

AN ACT

relating to the prosecution and punishment of dog fighting.

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

SECTION 1. Sections 42.10(a), (c), (d), and (e), Penal Code, are amended to read as follows:

(a) A person commits an offense if he intentionally or knowingly:

(1) causes a dog to fight with another dog;

(2) ~~[for a pecuniary benefit causes a dog to fight with another dog,~~

~~(3)]~~ participates in the earnings of or operates a facility used for dog fighting;

(3) ~~(4)~~ uses or permits another to use any real estate, building, room, tent, arena, or other property for dog fighting;

(4) ~~(5)~~ owns or trains a dog with the intent that the dog be used in an exhibition of dog fighting; or

(5) ~~(6)~~ attends as a spectator an exhibition of dog fighting.

(c) A conviction under ~~[Subdivision (2), (3), or (4) of]~~ Subsection (a)(2) or (3) ~~(a)~~ may be had upon the uncorroborated testimony of a party to the offense.

(d) It is a defense to prosecution under ~~[Subdivision (1) or (2) of]~~ Subsection (a)(1) ~~(a)~~ that the actor caused a dog to fight

1 with another dog to protect livestock, other property, or a person
2 from the other dog, and for no other purpose.

3 (e) An offense under [~~Subdivision (1) or (5) of~~] Subsection
4 (a)(4) or (5) [~~(a)~~] is a Class A misdemeanor. An offense under
5 [~~Subdivision (2), (3), or (4) of~~] Subsection (a)(1), (2), or (3)
6 [~~(a)~~] is a state jail felony. [~~An offense under Subdivision (6) of~~
7 ~~Subsection (a) is a Class C misdemeanor.~~]

8 SECTION 2. The change in law made by this Act applies only
9 to an offense committed on or after the effective date of this Act.
10 An offense committed before the effective date of this Act is
11 covered by the law in effect when the offense was committed, and the
12 former law is continued in effect for that purpose. For purposes of
13 this section, an offense was committed before the effective date of
14 this Act if any element of the offense was committed before that
15 date.

16 SECTION 3. This Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 916 was passed by the House on May 7, 2007, by the following vote: Yeas 136, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 916 was passed by the Senate on May 23, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor