

By: West

H.B. No. 1258

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offense of interference with police service animals.

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

SECTION 1. Section 38.151(c), Penal Code, is amended to read as follows:

(c) An offense under this section is:

(1) a Class C misdemeanor if the person commits an offense under Subsection (b)(1);

(2) a Class B misdemeanor if the person commits an offense under Subsection (b)(2);

(3) a Class A misdemeanor if the person commits an offense under Subsection (b)(3), (4), or (5);

(4) except as provided by Subdivision (5), a state jail felony if the person commits an offense under Subsection (b)(6) or (7) by injuring a police service animal or by engaging in conduct likely to injure the animal; or

(5) a felony of the second [~~third~~] degree if the person commits an offense under Subsection (b)(6) or (7) by:

(A) killing a police service animal or [by] engaging in conduct likely to kill the animal;

(B) injuring a police service animal in a manner that materially and permanently affects the ability of the animal to perform as a police service animal; or

1 (C) engaging in conduct likely to injure a police
2 service animal in a manner that would materially and permanently
3 affect the ability of the animal to perform as a police service
4 animal.

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

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