

## **BILL ANALYSIS**

H.B. 1147  
By: Frost  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Recent attention to dog fighting has provoked public outrage concerning this criminal practice. Unfortunately, the seizure of equipment and property used in connection with dog fighting is not adequately addressed under current law.

H.B. 1147 expands the types of contraband subject to seizure to include equipment used in the training or furtherance of dog fighting, as well as property involved in dog fighting rings, and expands the definitions that constitute certain offenses relating to dog fighting.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 1147 amends the Penal Code to expand the conditions that constitute the Class A misdemeanor offense of dog fighting to include intentionally or knowingly owning or possessing dog-fighting equipment with the intent that the equipment be used to train a dog for dog fighting or in furtherance of dog fighting. The bill expands the conditions that constitute the offense of engaging in organized criminal activity to include the commission of or the conspiracy to commit a dog fighting offense with the intent to establish, maintain, or participate in a criminal gang or in the profits of a criminal gang or as a member of a street gang.

H.B. 1147 reenacts and amends Article 59.01(2), Code of Criminal Procedure, as amended by Chapters 127 (S.B. 1694), 822 (H.B. 73), and 885 (H.B. 2278), Acts of the 80th Legislature, Regular Session, 2007, to include in the definition of "contraband," for purposes of state law regarding forfeiture of contraband, property of any nature that is used or intended to be used in the commission of the offense of dog fighting and any proceeds gained from a commission of the offense of dog fighting.

H.B. 1147 amends the Code of Criminal Procedure to specify that if dog fighting contraband is subject to forfeiture under state law concerning the forfeiture of contraband or state law concerning the disposition of gambling paraphernalia, prohibited weapons, criminal instruments, and other contraband the attorney representing the state may proceed under either state law.

H.B. 1147 defines "dog fighting equipment."

### **EFFECTIVE DATE**

September 1, 2009.