

By: Farrar

H.B. No. 1395

A BILL TO BE ENTITLED

AN ACT

relating to the offenses of cruelty to livestock animals and
cruelty to nonlivestock animals.

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

SECTION 1. Sections 42.09(a) and (f), Penal Code, are
amended to read as follows:

(a) A person commits an offense if the person intentionally,
~~or~~ knowingly, or recklessly:

(1) tortures a livestock animal;

(2) fails unreasonably to provide necessary food,
water, or care for a livestock animal in the person's custody;

(3) abandons unreasonably a livestock animal in the
person's custody;

(4) transports or confines a livestock animal in a
cruel and unusual manner;

(5) without legal authority or the owner's effective
consent, administers poison to or causes bodily injury to a
livestock animal~~[, other than cattle, horses, sheep, swine, or
goats, belonging to another without legal authority or the owner's
effective consent]~~;

(6) trains, conditions, or causes one livestock animal
to fight with another livestock animal or with an animal as defined
by Section 42.092;

(7) uses a live livestock animal as a lure in dog race

1 training or in dog coursing on a racetrack;

2 (8) trips a horse; or

3 (9) seriously overworks a livestock animal.

4 (f) It is a defense to prosecution under [~~an exception to~~
5 ~~the application of~~] this section that the conduct engaged in by the
6 actor is a generally accepted and otherwise lawful:

7 (1) form of conduct occurring solely for the purpose
8 of or in support of:

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

10 (B) wildlife management, wildlife or depredation
11 control, or shooting preserve practices as regulated by state and
12 federal law; or

13 (2) animal husbandry, ranching, or agriculture
14 practice involving livestock animals.

15 SECTION 2. Section 42.092(a)(2), Penal Code, is amended to
16 read as follows:

17 (2) "Animal" means a nonhuman mammal, bird, or captive
18 amphibian or reptile [~~domesticated living creature, including any~~
19 ~~stray or feral cat or dog, and a wild living creature previously~~
20 ~~captured~~]. The term does not include [~~an uncaptured wild living~~
21 ~~creature or~~] a livestock animal.

22 SECTION 3. Sections 42.092(b) and (f), Penal Code, are
23 amended to read as follows:

24 (b) A person commits an offense if the person intentionally,
25 knowingly, or recklessly:

26 (1) tortures an animal or in a cruel manner kills or
27 causes serious bodily injury to an animal;

1 (2) without the owner's effective consent, kills,
2 administers poison to, or causes [~~serious~~] bodily injury to an
3 animal;

4 (3) fails unreasonably to provide necessary food,
5 water, care, or shelter for an animal in the person's custody;

6 (4) abandons unreasonably an animal in the person's
7 custody;

8 (5) transports or confines an animal in a cruel
9 manner;

10 (6) trains, conditions, or [~~without the owner's~~
11 ~~effective consent, causes bodily injury to an animal,~~

12 [~~(7)~~] causes one animal to fight with another animal,
13 if either animal is not a dog;

14 (7) [~~(8)~~] uses a live animal as a lure in dog race
15 training or in dog coursing on a racetrack; or

16 (8) [~~(9)~~] seriously overworks an animal.

17 (f) It is a defense to prosecution under [~~an exception to~~
18 ~~the application of~~] this section that the conduct engaged in by the
19 actor is a generally accepted and otherwise lawful:

20 (1) form of conduct occurring solely for the purpose
21 of or in support of:

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

23 (B) wildlife management, wildlife or depredation
24 control, or shooting preserve practices as regulated by state and
25 federal law; [~~or~~]

26 (2) animal husbandry or agriculture practice
27 involving livestock animals; or

1 (3) activity to control common household vermin or
2 rodents.

3 SECTION 4. The change in law made by this Act applies only
4 to an offense committed on or after the effective date of this Act.
5 An offense committed before the effective date of this Act is
6 covered by the law in effect when the offense was committed, and the
7 former law is continued in effect for that purpose. For purposes of
8 this section, an offense was committed before the effective date of
9 this Act if any element of the offense was committed before that
10 date.

11 SECTION 5. This Act takes effect September 1, 2009.