

BILL ANALYSIS

H.B. 323
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

According to some studies, pets are often used to hold power over the victim of an abusive relationship or to prevent the victim from leaving the abusive situation. A judge is not currently allowed to include certain provisions relating to pets in a protective order. Allowing a judge to issue a protective order that includes a pet would not only provide for the protection of the animal, it would give the judge another tool with which to protect persons in dangerously abusive relationships. H.B. 323 intends to further protect victims of abusive relationships by authorizing a judge to include a pet, companion animal, or assistance animal in a protective order.

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. 323 amends the Family Code to authorize a court, in a protective order, to prohibit a party from removing a pet, companion animal, or assistance animal from the possession of a person named in the order. The bill authorizes the court, in a protective order, to prohibit a person found to have committed family violence from harming, threatening, or interfering with the care, custody, or control of a pet, companion animal, or assistance animal that is possessed by a person protected by the order or by a member of the family or household of a person protected by the order.

H.B. 323 amends the Penal Code to include among the offenses that constitute a violation of certain court orders or conditions of bond in a family violence case knowingly or intentionally harming, threatening, or interfering with the care, custody, or control of a pet, companion animal, or assistance animal that is possessed by a person protected by the order. The bill provides for the meaning of "assistance animal" by reference to the Human Resources Code.

EFFECTIVE DATE

September 1, 2011.