

BILL ANALYSIS

S.B. 279
By: Davis
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Victims of domestic violence often refuse to leave an unsafe environment out of concern for a pet they would have to leave behind. In cases where victims do leave, they often leave in such a hurry that they are unable to take their pets with them. Often, perpetrators of domestic violence threaten or harm pets as a means to intimidate and gain leverage over their victims.

Because pets are deemed property under current law, judges cannot order a person to abstain from killing, injuring, or threatening family pets. The most a judge can do is award possession of family pets to the abused party. This is, however, frustrated by the fact that many victims fleeing an abusive situation have nowhere to go besides a shelter or other environment where animals are not allowed.

S.B. 279 allows a judge to prohibit a person from removing a pet, companion animal, or assistance animal from the possession of a party protected by a protective order. Moreover, the judge can prohibit a person from harming, threatening, or interfering with the care, custody, or control of a pet or assistance animal belonging to a person protected by a protective order.

As proposed, S.B. 279 amends current law relating to inclusion of pets and other companion animals in protective orders, and provides a penalty.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

SECTION 1. Amends Section 85.021, Family Code, to authorize a court, in a protective order, to prohibit a party from certain actions, including removing a pet, companion animal, or assistance animal, as defined by Section 121.002 (Definitions), Human Resources Code, from the possession of a person named in the order. Makes nonsubstantive changes.

SECTION 2. Amends Section 85.022(b), Family Code, to authorize a court, in a protective order, to prohibit a person found to have committed family violence from certain actions, including harming, threatening, or interfering with the care, custody, or control of a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code, that is possessed by a person protected by an order or by a member of the family or household of a person protected by an order. Makes nonsubstantive changes.

SECTION 3. Amends Section 25.07(a), Penal Code, to provide that a person commits an offense if, in violation of a condition of bond set in a family violence case and related to the safety of the victim or safety of the community, an order issued under Article 17.292 (Magistrate's Order for Emergency Protection), Code of Criminal Procedure, an order issued under Section 6.504 (Protective Orders), Family Code, Chapter 83 (Temporary Ex Parte Orders), Family Code, if the temporary ex parte order has been served on the person, or Chapter 85 (Issuance of Protective Order), Family Code, or an order issued by another jurisdiction as

provided by Chapter 88 (Uniform Interstate Enforcement of Protective Orders Act), Family Code, the person knowingly or intentionally takes certain actions, including 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.

SECTION 4. Amends Section 25.07(b), Penal Code, by adding Subdivision (3) to define "assistance animal."

EFFECTIVE DATE

September 1, 2011.