

SENATE AMENDMENTS

2nd Printing

By: Lucio III, Pena

H.B. No. 1103

A BILL TO BE ENTITLED

AN ACT

1

2 relating to payment of a fee as a required condition of community
3 supervision for certain criminal offenses involving animal
4 cruelty.

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

6 SECTION 1. Section 11, Article 42.12, Code of Criminal
7 Procedure, is amended by adding Subsection (m) to read as follows:

8 (m)(1) If a judge grants community supervision to a person
9 convicted of an offense under Section 42.09, 42.091, 42.092, or
10 42.10, Penal Code, the judge shall require the person to pay \$100 to
11 the animal shelter designated by the judge as the nearest animal
12 shelter to the location where the offense occurred that:

13 (A) receives federal, state, county, or
14 municipal funds; and

15 (B) serves the county in which the court is
16 located.

17 (2) In this subsection, "animal shelter" has the
18 meaning assigned by Section 823.001, Health and Safety Code.

19 SECTION 2. Subchapter B, Chapter 103, Government Code, is
20 amended by adding Section 103.02101 to read as follows:

21 Sec. 103.02101. ADDITIONAL FEES IN CERTAIN CRIMINAL CASES:
22 CODE OF CRIMINAL PROCEDURE. A defendant who is granted community
23 supervision following conviction of an offense under Section 42.09,
24 42.091, 42.092, or 42.10, Penal Code, shall pay \$100 to an animal

1 shelter in accordance with the requirements imposed by the judge
2 under Section 11(m), Article 42.12, Code of Criminal Procedure.

3 SECTION 3. This Act takes effect September 1, 2011.

ADOPTED

MAY 24 2011

Atty Gen
Secretary of the Senate
H.B. No. 1103

By: Lucio, III

Substitute the following for H.B. No. 1103:

By: Robyn Ellis

C.S. H.B. No. 1103

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the civil and criminal consequences of certain
3 criminal offenses involving animal cruelty.

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

5 SECTION 1. Section 11, Article 42.12, Code of Criminal
6 Procedure, is amended by adding Subsection (m) to read as
7 follows:

8 (m) If a judge grants community supervision to a person
9 convicted of an offense under Section 42.09, 42.091, 42.092, or
10 42.10, Penal Code, the judge may require the person to:

11 (1) attend a responsible pet owner course sponsored by
12 a municipal animal shelter, as defined by Section 823.001,
13 Health and Safety Code, that:

14 (A) receives federal, state, county, or
15 municipal funds; and

16 (B) serves the county in which the court is
17 located; and

18 (2) register as required by Chapter 61A, Code of
19 Criminal Procedure, if applicable.

20 SECTION 1. Title 1, Code of Criminal Procedure, is amended
21 by adding Chapter 61A to read as follows:

22 CHAPTER 61A. ANIMAL CRUELTY REGISTRATION PROGRAM

23 Art. 61A.01. DEFINITIONS. In this chapter:

24 (1) "Department" means the Department of Public

1 Safety of the State of Texas.

2 (2) "Local law enforcement authority" and "penal
3 institution" have the meanings assigned by Article 62.001.

4 Art. 61A.02. CENTRAL DATABASE; PUBLIC INFORMATION.

5 (a) To the extent that funding is available under Article
6 61A.07, the department shall establish and maintain a
7 computerized central database containing information regarding
8 persons who:

9 (1) have been convicted of or received a grant of
10 deferred adjudication for one or more felony offenses under
11 Section 42.092 or 42.10, Penal Code; and

12 (2) were 17 years of age or older at the time of the
13 offense.

14 (b) If a computerized central database is established by
15 the department under Subsection (a), a person described by that
16 subsection shall register as required by this chapter until the
17 10th anniversary of the date the person was last convicted of or
18 received a grant of deferred adjudication for an offense
19 described by Subsection (a)(1).

20 (c) The information contained in the database is public
21 information, with the exception of any information regarding the
22 person's social security number, driver's license number, or
23 telephone number.

24 (d) The department shall publish on its Internet website
25 all public information contained in the database.

26 (e) To the extent that funding is available under Article
27 61A.07, the department, in cooperation with the Board of Pardons

1 and Paroles, the Texas Department of Criminal Justice, and the
2 Commission on Jail Standards, by rule shall design and implement
3 a system for the registration of persons described by Subsection
4 (a). The system must establish requirements and procedures for:
5 (1) a person described by Subsection (a) to be
6 notified, before the person's discharge or release, of the
7 person's duty to register with a local law enforcement authority
8 for the period required by Subsection (b);
9 (2) the person to register or verify registration
10 with a local law enforcement authority:
11 (A) annually;
12 (B) every 90 days if the person is determined by
13 the department to be high-risk because of the person's status as
14 a repeat offender; or
15 (C) every 30 days if the person does not have a
16 permanent address;
17 (3) the person to register with a local law
18 enforcement authority not later than five days after the date
19 the person changes address;
20 (4) the database to track whether a person described
21 by Subsection (a) is in compliance with registration
22 requirements and, if the person is not in compliance, to make
23 that information available to other persons requesting the
24 information;
25 (5) a local law enforcement authority to promptly
26 forward registration information to the department for use in
27 the database;

1 (6) the database to track whether a person described
2 by Subsection (a) is attending or is planning to attend a public
3 or private institution of higher education and, if so, the
4 department to promptly forward that information to the
5 applicable institution of higher education;

6 (7) the inclusion in the database and on the
7 department's Internet website of a recent photograph of the
8 person, updated annually; and

9 (8) the department to update the database daily.

10 Art. 61A.03. INFORMATION PROVIDED TO PEACE OFFICER ON
11 REQUEST. The department shall establish a procedure by which a
12 peace officer or employee of a law enforcement agency who
13 provides the department with a driver's license number, personal
14 identification certificate number, or license plate number is
15 automatically provided information as to whether the person to
16 whom the driver's license or personal identification certificate
17 is issued is required to register under this chapter or whether
18 the license plate number is entered in the computerized central
19 database under Article 61A.02 as assigned to a vehicle owned or
20 driven by a person required to register under this chapter.

21 Art. 61A.04. IMMUNITY FOR RELEASE OF PUBLIC INFORMATION.

22 (a) The department, a penal institution, or a local law
23 enforcement authority may release to the public information
24 regarding a person required to register under this chapter only
25 if the information is public information under Article
26 61A.02(c).

27 (b) An individual, agency, entity, or authority is not

1 liable under Chapter 101, Civil Practice and Remedies Code, or
2 any other law for damages arising from conduct authorized by
3 Subsection (a).

4 (c) For purposes of determining liability, the release or
5 withholding of information by an appointed or elected officer of
6 an agency, entity, or authority is a discretionary act.

7 (d) A public or private institution of higher education or
8 administrator of a public or private institution of higher
9 education may release to the public information regarding a
10 person required to register under this chapter only if the
11 information is public information under Article 61A.02(c) and is
12 released to the administrator under Article 61A.02. A public or
13 private institution of higher education or administrator of a
14 public or private institution of higher education is not liable
15 under any law for damages arising from conduct authorized by
16 this subsection.

17 Art. 61A.05. EXEMPTION FROM REGISTRATION FOR CERTAIN
18 ANIMAL CRUELTY OFFENDERS. (a) A person required to register
19 under this chapter may petition the court having jurisdiction
20 over the case for an order exempting the person from
21 registration under this chapter at any time after the person's
22 sentencing or after the person is placed on deferred
23 adjudication.

24 (b) After a hearing on the petition described by
25 Subsection (a), the court may issue an order exempting the
26 person from registration under this chapter if the court finds
27 that an exemption would be in the best interest of justice.

1 (c) An order exempting the person from registration under
2 this chapter does not expire, except that the court may withdraw
3 the order if after the order is issued the person receives
4 another conviction or a grant of deferred adjudication for a
5 misdemeanor or felony offense under Section 42.092 or 42.10,
6 Penal Code.

7 Art. 61A.06. FAILURE TO COMPLY WITH REGISTRATION
8 REQUIREMENTS. A person who fails to comply with any requirement
9 of this chapter shall be punished by a fine not to exceed \$500.

10 Art. 61A.07. FUNDING. The department may solicit and
11 accept a gift, grant, or donation from any source, including a
12 foundation, private entity, governmental entity, or institution
13 of higher education, for the establishment and maintenance of
14 the computerized central database described by this chapter and
15 the implementation of a related system of registration under
16 this chapter. The department shall establish and maintain the
17 database and implement the registration system only if
18 sufficient funds are available under this article for those
19 purposes.

20 SECTION 3. Subsection (a), Section 411.135, Government
21 Code, is amended to read as follows:

22 (a) Any person is entitled to obtain from the department:

23 (1) any information described as public information
24 under Chapter 61A or 62, Code of Criminal Procedure, [~~as added~~
25 ~~by Chapter 668, Acts of the 75th Legislature, Regular Session,~~
26 ~~1997,~~] including, to the extent available, a recent photograph
27 of each person subject to registration under Chapter 61A or 62

1 [~~that chapter~~]; and

2 (2) criminal history record information maintained by
3 the department that relates to the conviction of or a grant of
4 deferred adjudication to a person for any criminal offense,
5 including arrest information that relates to the conviction or
6 grant of deferred adjudication.

7 SECTION 4. (a) Chapter 61A, Code of Criminal Procedure,
8 as added by this Act, applies only to a person who is convicted
9 of or receives a grant of deferred adjudication for an offense
10 committed on or after the effective date of this Act. A person
11 who is convicted of or receives a grant of deferred adjudication
12 for an offense committed before the effective date of this Act
13 is governed by the law in effect on the date the offense was
14 committed, and the former law is continued in effect for that
15 purpose. For purposes of this subsection, an offense was
16 committed before the effective date of this Act if any element
17 of the offense occurred before that date.

18 (b) As soon as practicable after sufficient funding
19 becomes available under Article 61A.07, Code of Criminal
20 Procedure, as added by this Act:

21 (1) the Department of Public Safety of the State of
22 Texas shall establish the requirements and procedures required
23 by Subsection (e), Article 61A.02, and Article 61A.03, Code of
24 Criminal Procedure, as added by this Act; and

25 (2) the central database required by Chapter 61A,
26 Code of Criminal Procedure, as added by this Act, must be
27 designed and implemented.

1 SECTION 5. This Act takes effect September 1, 2011.

on 3rd read

ADOPTED

FLOOR AMENDMENT NO. 1

MAY 24 2011

BY: Seliger

Atay Spaw
Secretary of the Senate

1 Amend H.B. No. 1103 on third reading as follows:

2 (1) In SECTION 2 of the bill, in added Article 61A.02, Code
3 of Criminal Procedure (page 1, line 35), strike "; PUBLIC
4 INFORMATION".

5 (2) In SECTION 2 of the bill, in added Article 61A.02, Code
6 of Criminal Procedure, strike Subsections (c) and (d) (page 1,
7 lines 50-55), and reletter subsequent subsections accordingly.

8 (3) In SECTION 2 of the bill, in added Article 61A.03, Code
9 of Criminal Procedure (page 2, line 30), strike "PEACE OFFICER"
10 and substitute "LAW ENFORCEMENT".

11 (4) In SECTION 2 of the bill, in added Article 61A.03, Code
12 of Criminal Procedure (page 2, line 31), between the period and
13 "The", insert the following:

14 "(a) In this section, "animal control officer" has the
15 meaning assigned by Section 829.001, Health and Safety Code.

16 (b)".

17 (5) In SECTION 2 of the bill, in added Article 61A.03, Code
18 of Criminal Procedure (page 2, line 32), strike "or employee"
19 and substitute ", an animal control officer employed by a county
20 or municipality, or an employee".

21 (6) In SECTION 2 of the bill, strike added Article 61A.04,
22 Code of Criminal Procedure (page 2, lines 41-61) and renumber
23 subsequent articles accordingly.

24 (7) In SECTION 4 of the bill (page 3, line 49), strike
25 "subsection (e),".

26 (8) Strike SECTION 3 of the bill, and renumber subsequent
27 SECTIONS accordingly.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 25, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB1103 by Lucio III (Relating to the civil and criminal consequences of certain criminal offenses involving animal cruelty.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to authorized a judge that grants community supervision to a person convicted of an offense involving animal cruelty to require the person to attend a responsible pet owner course according to guidelines in the bill.

The bill would add Chapter 61A to the Code of Criminal Procedure to require the Department of Public Safety (DPS) to establish and maintain a computerized central database regarding individuals who have been convicted or received deferred adjudication for offenses involving animal cruelty, only to the extent sufficient funding is available from gifts, grants, or donations. If the database is established by DPS, persons convicted or placed on deferred adjudication for certain animal cruelty offenses would be required to register until the 10th anniversary of the conviction or grant of deferred adjudication. The bill would provide procedures for these persons to petition the courts for exemption from registration. Noncompliance with the provisions of registration included in the bill would be a fine not to exceed \$500.

The provisions of the bill would apply to individuals convicted of or receiving deferred adjudication for the applicable offenses on or after the effective date of the bill. An offense committed before the effective date of the bill is governed by the law in effect on the date the offense was committed. The bill would take effect September 1, 2011. No significant fiscal impact to the state is anticipated.

Local Government Impact

The bill could place additional administrative demands on local law enforcement; however, costs associated with these duties are not anticipated to be significant to local governments.

Source Agencies: 405 Department of Public Safety, 409 Commission on Jail Standards, 696 Department of Criminal Justice, 697 Board of Pardons and Paroles

LBB Staff: JOB, ESi, GG, KKR, AI

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 21, 2011

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB1103 by Lucio III (Relating to the civil and criminal consequences of certain criminal offenses involving animal cruelty.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to authorized a judge that grants community supervision to a person convicted of an offense involving animal cruelty to require the person to attend a responsible pet owner course according to guidelines in the bill.

The bill would add Chapter 61A to the Code of Criminal Procedure to require the Department of Public Safety (DPS) to establish and maintain a computerized central database and system of public registration regarding individuals who have been convicted or received deferred adjudication for offenses involving animal cruelty, only to the extent sufficient funding is available from gifts, grants, or donations. If the database and system of public registration is established by DPS, persons convicted or placed on deferred adjudication for certain animal cruelty offenses would be required to register until the 10th anniversary of the conviction or grant of deferred adjudication. The bill would provide procedures for these persons to petition the courts for exemption from registration. Noncompliance with the provisions of registration included in the bill would be a fine not to exceed \$500.

The provisions of the bill would apply to individuals convicted of or receiving deferred adjudication for the applicable offenses on or after the effective date of the bill. An offense committed before the effective date of the bill is governed by the law in effect on the date the offense was committed. The bill would take effect September 1, 2011. No significant fiscal impact to the state is anticipated.

Local Government Impact

The bill could place additional administrative demands on local law enforcement; however, costs associated with these duties are not anticipated to be significant to local governments.

Source Agencies: 405 Department of Public Safety, 409 Commission on Jail Standards, 696 Department of Criminal Justice, 697 Board of Pardons and Paroles

LBB Staff: JOB, ESi, GG, KKR, AI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 19, 2011

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB1103 by Lucio III (Relating to payment of a fee as a required condition of community supervision for certain criminal offenses involving animal cruelty.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to authorize a judge that grants community supervision to a person convicted of an offense involving animal cruelty to require the person to pay \$100 to the nearest animal shelter designated by the judge as defined by the provisions of the bill.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JOB, ESi, TP, AI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 11, 2011

TO: Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB1103 by Lucio III (Relating to payment of a fee as a required condition of community supervision for certain criminal offenses involving animal cruelty.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to authorize a judge that grants community supervision to a person convicted of an offense involving animal cruelty to require the person to pay \$100 to the nearest animal shelter designated by the judge as defined by the provisions of the bill.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JOB, ESi, TP, AI