

**House Bill 1103**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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

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

- (A) receives federal, state, county, or municipal funds; and
- (B) serves the county in which the court is located.

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

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

Sec. 103.02101. ADDITIONAL FEES IN CERTAIN CRIMINAL CASES: CODE OF CRIMINAL PROCEDURE.

A defendant who is granted community supervision following conviction of an offense under Section 42.09, 42.091, 42.092, or 42.10, Penal Code, shall pay \$100 to an animal shelter in accordance with the requirements imposed by the judge under Section 11(m), Article 42.12, Code of Criminal Procedure.

**No equivalent provision.**

SENATE VERSION (IE)

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

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

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

- (A) receives federal, state, county, or municipal funds; and
- (B) serves the county in which the court is located; and

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

**No equivalent provision.**

SECTION 2. Title 1, Code of Criminal Procedure, is amended by adding Chapter 61A to read as follows:

CHAPTER 61A. ANIMAL CRUELTY REGISTRATION PROGRAM

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

(1) "Department" means the Department of Public Safety of the State of Texas.

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

Art. 61A.02. CENTRAL DATABASE. (a) To the extent that funding is available under Article 61A.07, the department shall establish and maintain a computerized central database containing information regarding persons who:

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

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

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

(c) To the extent that funding is available under Article 61A.07, the department, in cooperation with the Board of Pardons and Paroles, the Texas Department of Criminal Justice, and the Commission on Jail Standards, by rule shall design and implement a system for the registration of persons described by Subsection (a). The system must establish requirements and procedures for:

(1) a person described by Subsection (a) to be notified, before the person's discharge or release, of the person's duty to register with a local law enforcement authority for the period required by Subsection (b);

(2) the person to register or verify registration with a local law enforcement authority:

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- (A) annually;
  - (B) every 90 days if the person is determined by the department to be high-risk because of the person's status as a repeat offender; or
  - (C) every 30 days if the person does not have a permanent address;
  - (3) the person to register with a local law enforcement authority not later than five days after the date the person changes address;
  - (4) the database to track whether a person described by Subsection (a) is in compliance with registration requirements and, if the person is not in compliance, to make that information available to other persons requesting the information;
  - (5) a local law enforcement authority to promptly forward registration information to the department for use in the database;
  - (6) the database to track whether a person described by Subsection (a) is attending or is planning to attend a public or private institution of higher education and, if so, the department to promptly forward that information to the applicable institution of higher education;
  - (7) the inclusion in the database and on the department's Internet website of a recent photograph of the person, updated annually; and
  - (8) the department to update the database daily.
- Art. 61A.03. INFORMATION PROVIDED TO LAW ENFORCEMENT ON REQUEST. (a) In this section, "animal control officer" has the meaning assigned by Section 829.001, Health and Safety Code.
- (b) The department shall establish a procedure by which a peace officer, an animal control officer employed by a county

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or municipality, or an employee of a law enforcement agency who provides the department with a driver's license number, personal identification certificate number, or license plate number is automatically provided information as to whether the person to whom the driver's license or personal identification certificate is issued is required to register under this chapter or whether the license plate number is entered in the computerized central database under Article 61A.02 as assigned to a vehicle owned or driven by a person required to register under this chapter.

Art. 61A.04. EXEMPTION FROM REGISTRATION FOR CERTAIN ANIMAL CRUELTY OFFENDERS. (a) A person required to register under this chapter may petition the court having jurisdiction over the case for an order exempting the person from registration under this chapter at any time after the person's sentencing or after the person is placed on deferred adjudication.

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

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

Art. 61A.05. FAILURE TO COMPLY WITH REGISTRATION REQUIREMENTS. A person who fails to comply with any requirement of this chapter shall be punished by a fine not to exceed \$500.

Art. 61A.06. FUNDING. The department may solicit and

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accept a gift, grant, or donation from any source, including a foundation, private entity, governmental entity, or institution of higher education, for the establishment and maintenance of the computerized central database described by this chapter and the implementation of a related system of registration under this chapter. The department shall establish and maintain the database and implement the registration system only if sufficient funds are available under this article for those purposes. [FA1(1)-(6)]

[SECTION 3. Subsection (a), Section 411.135, Government Code, added by the substitute and deleted by FA1(8)]

No equivalent provision.

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

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

(1) the Department of Public Safety of the State of Texas shall establish the requirements and procedures required by Article 61A.02, and Article 61A.03, Code of Criminal

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Procedure, as added by this Act; and  
(2) the central database required by Chapter 61A, Code of Criminal Procedure, as added by this Act, must be designed and implemented. [FA1(7)]

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

SECTION 5. Same as House version.