

## **BILL ANALYSIS**

Senate Research Center  
83R6707 BEF-D

H.B. 1819  
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Agriculture, Rural Affairs & Homeland Security  
5/9/2013  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under current law, a person whose fence is insufficient to keep out a trespassing head of cattle or a horse, mule, jack, or jennet is liable for damages if the person maims, wounds, or kills such an animal. The situation has occurred where sheep and goats have been injured and killed by a neighboring landowner. The law already recognizes that if an individual's livestock escapes his or her pasture, a neighbor does not have the right to harm that livestock, and this bill seeks to provide the protections afforded other forms of livestock to sheep and goats, a protection which is not reflected in current law.

H.B. 1819 amends current law relating to liability for injuring a trespassing sheep or goat.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 143.033, Agriculture Code, as follows:

Sec. 143.033. INJURY TO TRESPASSING ANIMAL. Provides that, if a person whose fence is insufficient under this subchapter maims, wounds, or kills a head of cattle or a horse, mule, jack, jennet, sheep, or goat, or procures the maiming, wounding, or killing of one of those animals, by any means, including a gun or a dog, the person is liable to the owner of the animal for damages. Provides that this section does not authorize a person to maim, wound, or kill any horse, mule, jack, jennet, sheep, goat, or head of cattle of another person. Makes nonsubstantive changes.

SECTION 2. Provides that the change in law made by this Act to Section 143.033, Agriculture Code, applies only to a person who maims, wounds, kills, or procures the maiming, wounding, or killing of a sheep or goat on or after the effective date of this Act. Provides that a person who maims, wounds, kills, or procures the maiming, wounding, or killing of a sheep or goat before the effective date of this Act is governed by the law in effect on the date the maiming, wounding, killing, or procurement occurred, and the former law is continued in effect for that purpose.

SECTION 3. Effective date: September 1, 2013.