

By: Farrar

H.B. No. 3746

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the offenses of cruelty to livestock animals and
3 cruelty to nonlivestock animals.

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

5 SECTION 1. Sections 42.09(a) and (f), Penal Code, are
6 amended to read as follows:

7 (a) A person commits an offense if the person intentionally,
8 ~~[or]~~ knowingly, or recklessly:

9 (1) tortures a livestock animal;

10 (2) fails unreasonably to provide necessary food,
11 water, or care for a livestock animal in the person's custody;

12 (3) abandons unreasonably a livestock animal in the
13 person's custody;

14 (4) transports or confines a livestock animal in a
15 cruel and unusual manner;

16 (5) without legal authority or the owner's effective
17 consent, administers poison to or causes bodily injury to a
18 livestock animal~~[, other than cattle, horses, sheep, swine, or~~
19 ~~goats, belonging to another without legal authority or the owner's~~
20 ~~effective consent]~~;

21 (6) trains, conditions, or causes one livestock animal
22 to fight with another livestock animal or with an animal as defined
23 by Section 42.092;

24 (7) uses a live livestock animal as a lure in dog race

1 training or in dog coursing on a racetrack;

2 (8) trips a horse; or

3 (9) seriously overworks a livestock animal.

4 (f) It is an exception to the application of this section
5 that the conduct engaged in by the actor is a generally accepted and
6 otherwise lawful:

7 (1) form of conduct occurring solely for the purpose
8 of or in support of:

9 (A) fishing, hunting, or trapping; or

10 (B) wildlife management, wildlife or depredation
11 control, or shooting preserve practices as regulated by state and
12 federal law; or

13 (2) animal husbandry, ranching, or agriculture
14 practice involving livestock animals.

15 SECTION 2. Section 42.092(a)(2), Penal Code, is amended to
16 read as follows:

17 (2) "Animal" means a nonhuman mammal, bird, or captive
18 amphibian or reptile [~~domesticated living creature, including any~~
19 ~~stray or feral cat or dog, and a wild living creature previously~~
20 ~~captured~~]. The term does not include [~~an uncaptured wild living~~
21 ~~creature or~~] a livestock animal.

22 SECTION 3. Sections 42.092(b) and (f), Penal Code, are
23 amended to read as follows:

24 (b) A person commits an offense if the person intentionally,
25 knowingly, or recklessly:

26 (1) tortures an animal or in a cruel manner kills or
27 causes serious bodily injury to an animal;

1 (2) without legal authority or the owner's effective
2 consent, kills, administers poison to, or causes [~~serious~~] bodily
3 injury to an animal;

4 (3) fails unreasonably to provide necessary food,
5 water, care, or shelter for an animal in the person's custody;

6 (4) abandons unreasonably an animal in the person's
7 custody;

8 (5) transports or confines an animal in a cruel
9 manner;

10 (6) trains, conditions, or [~~without the owner's~~
11 ~~effective consent, causes bodily injury to an animal,~~

12 [~~(7)~~] causes one animal to fight with another animal,
13 if either animal is not a dog;

14 (7) [~~(8)~~] uses a live animal as a lure in dog race
15 training or in dog coursing on a racetrack; or

16 (8) [~~(9)~~] seriously overworks an animal.

17 (f) It is an exception to the application of this section
18 that the conduct engaged in by the actor is a generally accepted and
19 otherwise lawful:

20 (1) form of conduct occurring solely for the purpose
21 of or in support of:

22 (A) fishing, hunting, or trapping; or

23 (B) wildlife management, wildlife or depredation
24 control, or shooting preserve practices as regulated by state and
25 federal law; [~~or~~]

26 (2) animal husbandry or agriculture practice
27 involving livestock animals; or

1 (3) activity to control common household vermin or
2 rodents.

3 SECTION 4. The change in law made by this Act applies only
4 to an offense committed on or after the effective date of this Act.
5 An offense committed before the effective date of this Act is
6 covered by the law in effect when the offense was committed, and the
7 former law is continued in effect for that purpose. For purposes of
8 this section, an offense was committed before the effective date of
9 this Act if any element of the offense was committed before that
10 date.

11 SECTION 5. This Act takes effect September 1, 2013.