

## **BILL ANALYSIS**

C.S.H.B. 1087  
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Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties assert that current law should punish acts of animal sexual abuse more severely. C.S.H.B. 1087 seeks to address this issue by creating the offense of bestiality.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1087 amends the Penal Code to create the state jail felony offense of bestiality for a person who knowingly engages in specified sexual acts with an animal as provided by the bill; possesses, sells, transfers, purchases, or otherwise obtains an animal with the intent that the animal be used for such conduct; organizes, promotes, conducts, or participates as an observer of such conduct; causes a person to engage or aids a person in engaging in such conduct; permits such conduct to occur on any premises under the person's control; or advertises, offers, or accepts the offer of an animal with the intent that the animal be used in Texas for such conduct. The bill enhances the penalty to a second degree felony if the actor engages in such conduct in the presence of a child younger than 18 years of age or if the offense results in serious bodily injury or death of the animal. The bill establishes as a defense to prosecution for bestiality that the conduct engaged in by the actor is a generally accepted and otherwise lawful animal husbandry or veterinary practice. The bill removes engaging in certain sexual acts with an animal or fowl from the conduct that constitutes public lewdness.

C.S.H.B. 1087 amends the Code of Criminal Procedure to authorize a judge who grants community supervision to a defendant convicted of bestiality to require the defendant to relinquish custody of any animals in the defendant's possession, prohibit the defendant from possessing or exercising control over any animals or residing in a household where animals are present, or require the defendant to participate in psychological counseling or another appropriate treatment program for a period to be determined by the court. The bill includes a bestiality conviction or adjudication as a reportable conviction or adjudication for purposes of the sex offender registration program.

C.S.H.B. 1087 amends the Health and Safety Code to extend the applicability of statutory provisions governing the disposition of a cruelly treated animal to an animal subjected to conduct constituting bestiality. The bill establishes that a finding in a court of competent

jurisdiction that a person is guilty of bestiality is prima facie evidence at a hearing relating to the seizure of a cruelly treated animal that any animal in the person's possession has been cruelly treated, regardless of whether the animal was subjected to conduct constituting bestiality. The bill makes a statement of an owner made at such a hearing inadmissible in a trial of the owner for bestiality.

**EFFECTIVE DATE**

September 1, 2017.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 1087 differs from the original only by amending the caption.