

## **BILL ANALYSIS**

Senate Research Center

S.B. 762  
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State Affairs  
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Enrolled

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

Violent animal cruelty crimes such as torturing, cruelly killing, or causing serious bodily injury to an animal or killing, poisoning, or causing serious bodily injury to another person's animal without the owner's consent occurs at an alarming rate in Texas. Research has shown that animal cruelty is a precursor to human violence. In fact, these studies make a direct correlation between the two. S.B. 762 seeks to increase the punishment for violent animal cruelty offenses and to address certain loopholes in current statute.

S.B. 762 increases the current penalty for violent animal cruelty offenses described above. S.B. 762 also cleans up language to make the activities such as hunting, fishing, trapping, wildlife management, or animal husbandry a defense to the prosecution rather than an exception. Further, S.B. 762 will allow a defendant's sworn testimony in a civil hearing to also be utilized in a criminal hearing. Lastly, S.B. 762 adds clarity in stating that the defense in damages of a domestic animal to an owner of livestock in civil cases is not a defense to the prosecution, unlike a criminal offense. (Original Author's / Sponsor's Statement of Intent)

S.B. 762 amends current law relating to the prosecution of offenses involving cruelty to animals and increases a criminal penalty.

### **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 42.092, Penal Code, by amending Subsection (c) and adding Subsections (c-1) and (c-2), as follows:

(c) Creates Subsections (c-1) and (c-2) from existing text of Subsection (c) and makes no further changes to the language of this subsection.

(c-1) Creates this subsection from existing text. Provides that a certain offense is a felony of the third degree, except that the offense is a felony of the second degree if the person has previously been convicted under Subsection (b)(1) (relating to the torture of an animal), (2) (relating to killing or harming an animal without the owner's consent), (7) (relating to causing animals that are not dogs to fight), or (8) (relating to using a live animal as a lure in dog racing) or under Section 42.09 (Cruelty to Livestock Animals).

(c-2) Creates this subsection from existing text. Provides that an offense under Subsection (b)(7) or (8) is a state jail felony, except that the offense is a felony of the third degree if the person has previously been convicted under this section or Section 42.09, rather than convicted two times under this section, two times under Section 42.09, or one time under this section and one time under Section 42.09.

SECTION 2. Repealer: Section 821.023(b) (relating to the inadmissibility of certain statements), Health and Safety Code.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2017.