

By: Moody, Minjarez, Farrar, Villalba,  
et al.

H.B. No. 1357

Substitute the following for H.B. No. 1357:

By: Moody

C.S.H.B. No. 1357

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of offenses involving cruelty to  
animals; increasing a criminal penalty.

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

SECTION 1. Section 42.092, Penal Code, is amended by  
amending Subsections (c) and (f) and adding Subsections (c-1) and  
(c-2) to read as follows:

(c) An offense under Subsection (b)(3), (4), (5), (6), or  
(9) is a Class A misdemeanor, except that the offense is a state  
jail felony if the person has previously been 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.

(c-1) An offense under Subsection (b)(1) or (2) 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), (2), (7), or (8) or under Section 42.09.

(c-2) 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 [~~two times~~  
under this section[~~, two times under Section 42.09,~~] or [~~one time~~  
~~under this section and one time~~] under Section 42.09.

(f) It is a defense to prosecution under [~~an exception to  
the application of~~] this section that the conduct engaged in by the  
actor is a generally accepted and otherwise lawful:

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

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

4                   (B) wildlife management, wildlife or depredation  
5 control, or shooting preserve practices as regulated by state and  
6 federal law; or

7           (2) animal husbandry or agriculture practice  
8 involving livestock animals.

9           SECTION 2. Section [822.013](#), Health and Safety Code, is  
10 amended by adding Subsection (f) to read as follows:

11           (f) It is not a defense to prosecution under Section [42.092](#),  
12 Penal Code, that the actor's conduct was authorized under this  
13 section.

14           SECTION 3. Section [821.023\(b\)](#), Health and Safety Code, is  
15 repealed.

16           SECTION 4. The changes in law made by this Act apply only to  
17 an offense committed on or after the effective date of this Act. An  
18 offense committed before the effective date of this Act is governed  
19 by the law in effect on the date the offense was committed, and the  
20 former law is continued in effect for that purpose. For purposes of  
21 this section, an offense was committed before the effective date of  
22 this Act if any element of the offense occurred before that date.

23           SECTION 5. This Act takes effect September 1, 2017.