

By: Wilson

H.B. No. 3693

A BILL TO BE ENTITLED

AN ACT

relating to certain defenses to prosecution in a criminal case that are based on a fear of injury by an animal.

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

SECTION 1. Section 42.01(e), Penal Code, is amended to read as follows:

(e) It is a defense to prosecution for an offense under Subsection (a)(7) or (9) that the person who discharged the firearm had a reasonable fear of bodily injury to the person or to another by:

(1) a dangerous wild animal as defined by Section 822.101, Health and Safety Code; or

(2) an animal as defined by Section 42.092.

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

(d) It is a defense to prosecution under this section that:

(1) the actor had a reasonable fear of bodily injury to the actor or to another person by the ~~[a dangerous wild]~~ animal ~~[as defined by Section 822.101, Health and Safety Code]~~; or

(2) the actor was engaged in bona fide experimentation for scientific research.

SECTION 3. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed

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1 by the law in effect on the date the offense was committed, and the
2 former law is continued in effect for that purpose. For purposes of
3 this section, an offense was committed before the effective date of
4 this Act if any element of the offense occurred before that date.

5 SECTION 4. This Act takes effect September 1, 2017.