

1-1 By: Menéndez S.B. No. 762
 1-2 (In the Senate - Filed February 6, 2017; February 22, 2017,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 April 26, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 8, Nays 1; April 26, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16		X		
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 762 By: Zaffirini

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the prosecution of offenses involving cruelty to
 1-22 animals; increasing a criminal penalty.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 42.092, Penal Code, is amended by
 1-25 amending Subsections (c) and (f) and adding Subsections (c-1) and
 1-26 (c-2) to read as follows:

1-27 (c) An offense under Subsection (b)(3), (4), (5), (6), or
 1-28 (9) is a Class A misdemeanor, except that the offense is a state
 1-29 jail felony if the person has previously been convicted [~~two times~~
 1-30 under this section[, two times under Section 42.09,] or [one time
 1-31 under this section and one time] under Section 42.09.

1-32 (c-1) An offense under Subsection (b)(1) or [7] (2) is a
 1-33 felony of the third degree, except that the offense is a felony of
 1-34 the second degree if the person has previously been convicted under
 1-35 Subsection (b)(1), (2), (7), or (8) or under Section 42.09.

1-36 (c-2) An offense under Subsection (b)(7) [7, (7),] or (8) is a
 1-37 state jail felony, except that the offense is a felony of the third
 1-38 degree if the person has previously been convicted [~~two times~~
 1-39 under this section[, two times under Section 42.09,] or [one time
 1-40 under this section and one time] under Section 42.09.

1-41 (f) It is a defense to prosecution under [an exception to
 1-42 the application of] this section that the conduct engaged in by the
 1-43 actor is a generally accepted and otherwise lawful:

1-44 (1) form of conduct occurring solely for the purpose
 1-45 of or in support of:

1-46 (A) fishing, hunting, or trapping; or

1-47 (B) wildlife management, wildlife or depredation
 1-48 control, or shooting preserve practices as regulated by state and
 1-49 federal law; or

1-50 (2) animal husbandry or agriculture practice
 1-51 involving livestock animals.

1-52 SECTION 2. Section 822.013, Health and Safety Code, is
 1-53 amended by adding Subsection (f) to read as follows:

1-54 (f) It is not a defense to prosecution under Section 42.092,
 1-55 Penal Code, that the actor's conduct was authorized under this
 1-56 section.

1-57 SECTION 3. Section 821.023(b), Health and Safety Code, is
 1-58 repealed.

1-59 SECTION 4. The changes in law made by this Act apply only to
 1-60 an offense committed on or after the effective date of this Act. An

2-1 offense committed before the effective date of this Act is governed
2-2 by the law in effect on the date the offense was committed, and the
2-3 former law is continued in effect for that purpose. For purposes of
2-4 this section, an offense was committed before the effective date of
2-5 this Act if any element of the offense occurred before that date.

2-6 SECTION 5. This Act takes effect September 1, 2017.

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