

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the offense of bestiality.

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

SECTION 1. Section 21.07(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if the person [~~he~~] knowingly engages in any of the following acts in a public place or, if not in a public place, the person [~~he~~] is reckless about whether another is present who will be offended or alarmed by the person's [~~his~~]:

- (1) act of sexual intercourse;
- (2) act of deviate sexual intercourse; or
- (3) act of sexual contact [~~;~~ ~~or~~];
- ~~[(4) act involving contact between the person's mouth or genitals and the anus or genitals of an animal or fowl].~~

SECTION 2. Chapter 21, Penal Code, is amended by adding Section 21.09 to read as follows:

Sec. 21.09. BESTIALITY. (a) A person commits an offense if the person knowingly:

- (1) engages in an act involving contact between:
  - (A) the person's mouth, anus, or genitals and the anus or genitals of an animal; or
  - (B) the person's anus or genitals and the mouth of the animal;

(2) fondles or touches the anus or genitals of an

1 animal, including touching through clothing;

2 (3) causes an animal to contact the seminal fluid of  
3 the person;

4 (4) inserts any part of a person's body or any object  
5 into the anus or genitals of an animal;

6 (5) possesses, sells, transfers, purchases, or  
7 otherwise obtains an animal with the intent that the animal be used  
8 for conduct described by Subdivision (1), (2), (3), or (4);

9 (6) organizes, promotes, conducts, or participates as  
10 an observer of conduct described by Subdivision (1), (2), (3), or  
11 (4);

12 (7) causes a person to engage or aids a person in  
13 engaging in conduct described by Subdivision (1), (2), (3), or (4);

14 (8) permits conduct described by Subdivision (1), (2),  
15 (3), or (4) to occur on any premises under the person's control;

16 (9) engages in conduct described by Subdivision (1),  
17 (2), (3), or (4) in the presence of a child younger than 18 years of  
18 age; or

19 (10) advertises, offers, or accepts the offer of an  
20 animal with the intent that the animal be used in this state for  
21 conduct described by Subdivision (1), (2), (3), or (4).

22 (b) An offense under this section is a state jail felony,  
23 unless the offense is committed under Subsection (a)(9) or results  
24 in serious bodily injury or death of the animal, in which event the  
25 offense is a felony of the second degree.

26 (c) It is a defense to prosecution under this section that  
27 the conduct engaged in by the actor is a generally accepted and

1 otherwise lawful animal husbandry or veterinary practice.

2 SECTION 3. Article 42A.511, Code of Criminal Procedure, is  
3 amended to read as follows:

4 Art. 42A.511. COMMUNITY SUPERVISION FOR CERTAIN OFFENSES  
5 INVOLVING ANIMALS. (a) If a judge grants community supervision to  
6 a defendant convicted of an offense under Section 42.09, 42.091,  
7 42.092, or 42.10, Penal Code, the judge may require the defendant to  
8 attend a responsible pet owner course sponsored by a municipal  
9 animal shelter, as defined by Section 823.001, Health and Safety  
10 Code, that:

11 (1) receives federal, state, county, or municipal  
12 funds; and

13 (2) serves the county in which the court is located.

14 (b) If a judge grants community supervision to a defendant  
15 convicted of an offense under Section 21.09, Penal Code, the judge  
16 may:

17 (1) require the defendant to relinquish custody of any  
18 animals in the defendant's possession;

19 (2) prohibit the defendant from possessing or  
20 exercising control over any animals or residing in a household  
21 where animals are present; or

22 (3) require the defendant to participate in  
23 psychological counseling or other appropriate treatment program  
24 for a period to be determined by the court.

25 SECTION 4. Section 821.021(1), Health and Safety Code, is  
26 amended to read as follows:

27 (1) "Cruelly treated" includes tortured, seriously

1 overworked, unreasonably abandoned, unreasonably deprived of  
2 necessary food, care, or shelter, cruelly confined, ~~[or]~~ caused to  
3 fight with another animal, or subjected to conduct prohibited by  
4 Section 21.09, Penal Code.

5 SECTION 5. Section 821.023, Health and Safety Code, is  
6 amended by adding Subsection (a-1) and amending Subsection (b) to  
7 read as follows:

8 (a-1) A finding in a court of competent jurisdiction that a  
9 person is guilty of an offense under Section 21.09, Penal Code, is  
10 prima facie evidence at a hearing authorized by Section 821.022  
11 that any animal in the person's possession has been cruelly  
12 treated, regardless of whether the animal was subjected to conduct  
13 prohibited by Section 21.09, Penal Code.

14 (b) A statement of an owner made at a hearing provided for  
15 under this subchapter is not admissible in a trial of the owner for  
16 an offense under Section 21.09, 42.09, or 42.092, Penal Code.

17 SECTION 6. The change in law made by this Act applies only  
18 to an offense committed on or after the effective date of this Act.  
19 An offense committed before the effective date of this Act is  
20 governed by the law in effect on the date the offense was committed,  
21 and the former law is continued in effect for that purpose. For  
22 purposes of this section, an offense was committed before the  
23 effective date of this Act if any element of the offense occurred  
24 before that date.

25 SECTION 7. This Act takes effect September 1, 2017.