

1-1 By: Huffman S.B. No. 1232
1-2 (In the Senate - Filed March 2, 2017; March 13, 2017, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 10, 2017, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 0; April 10, 2017,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Whitmire	X		
1-10	Huffman	X		
1-11	Birdwell	X		
1-12	Burton	X		
1-13	Creighton	X		
1-14	Garcia	X		
1-15	Hughes	X		
1-16	Menéndez		X	
1-17	Perry	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1232 By: Whitmire

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

1-21 relating to the creation of the offense of bestiality.
1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-23 SECTION 1. Section 21.07(a), Penal Code, is amended to read
1-24 as follows:
1-25 (a) A person commits an offense if the person [he] knowingly
1-26 engages in any of the following acts in a public place or, if not in
1-27 a public place, the person [he] is reckless about whether another is
1-28 present who will be offended or alarmed by the person's [his]:
1-29 (1) act of sexual intercourse;
1-30 (2) act of deviate sexual intercourse; or
1-31 (3) act of sexual contact ~~[, or~~
1-32 ~~[(4) act involving contact between the person's mouth~~
1-33 ~~or genitals and the anus or genitals of an animal or fowl].~~
1-34 SECTION 2. Chapter 21, Penal Code, is amended by adding
1-35 Section 21.09 to read as follows:
1-36 Sec. 21.09. BESTIALITY. (a) A person commits an offense
1-37 if the person knowingly:
1-38 (1) engages in an act involving contact between:
1-39 (A) the person's mouth, anus, or genitals and the
1-40 anus or genitals of an animal; or
1-41 (B) the person's anus or genitals and the mouth
1-42 of the animal;
1-43 (2) fondles or touches the anus or genitals of an
1-44 animal, including touching through clothing;
1-45 (3) causes an animal to contact the seminal fluid of
1-46 the person;
1-47 (4) inserts any part of a person's body or any object
1-48 into the anus or genitals of an animal;
1-49 (5) possesses, sells, transfers, purchases, or
1-50 otherwise obtains an animal with the intent that the animal be used
1-51 for conduct described by Subdivision (1), (2), (3), or (4);
1-52 (6) organizes, promotes, conducts, or participates as
1-53 an observer of conduct described by Subdivision (1), (2), (3), or
1-54 (4);
1-55 (7) causes a person to engage or aids a person in
1-56 engaging in conduct described by Subdivision (1), (2), (3), or (4);
1-57 (8) permits conduct described by Subdivision (1), (2),
1-58 (3), or (4) to occur on any premises under the person's control;
1-59 (9) engages in conduct described by Subdivision (1),
1-60 (2), (3), or (4) in the presence of a child younger than 18 years of

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

2-5 (b) An offense under this section is a state jail felony,
2-6 unless the offense is committed under Subsection (a)(9) or results
2-7 in serious bodily injury or death of the animal, in which event the
2-8 offense is a felony of the third degree.

2-9 (c) It is an exception to the application of this section
2-10 that the conduct engaged in by the actor is a generally accepted and
2-11 otherwise lawful animal husbandry or veterinary practice.

2-12 SECTION 3. Article 42A.511, Code of Criminal Procedure, is
2-13 amended to read as follows:

2-14 Art. 42A.511. COMMUNITY SUPERVISION FOR CERTAIN OFFENSES
2-15 INVOLVING ANIMALS. (a) If a judge grants community supervision to
2-16 a defendant convicted of an offense under Section 42.09, 42.091,
2-17 42.092, or 42.10, Penal Code, the judge may require the defendant to
2-18 attend a responsible pet owner course sponsored by a municipal
2-19 animal shelter, as defined by Section 823.001, Health and Safety
2-20 Code, that:

2-21 (1) receives federal, state, county, or municipal
2-22 funds; and

2-23 (2) serves the county in which the court is located.

2-24 (b) If a judge grants community supervision to a defendant
2-25 convicted of an offense under Section 21.09, Penal Code, the judge
2-26 may:

2-27 (1) require the defendant to relinquish custody of any
2-28 animals in the defendant's possession;

2-29 (2) prohibit the defendant from possessing or
2-30 exercising control over any animals or residing in a household
2-31 where animals are present; or

2-32 (3) require the defendant to participate in
2-33 psychological counseling or other appropriate treatment program
2-34 for a period to be determined by the court.

2-35 SECTION 4. Section 821.021(1), Health and Safety Code, is
2-36 amended to read as follows:

2-37 (1) "Cruelly treated" includes tortured, seriously
2-38 overworked, unreasonably abandoned, unreasonably deprived of
2-39 necessary food, care, or shelter, cruelly confined, ~~or~~ caused to
2-40 fight with another animal, or subjected to conduct prohibited by
2-41 Section 21.09, Penal Code.

2-42 SECTION 5. Section 821.023, Health and Safety Code, is
2-43 amended by adding Subsection (a-1) and amending Subsection (b) to
2-44 read as follows:

2-45 (a-1) A finding in a court of competent jurisdiction that a
2-46 person is guilty of an offense under Section 21.09, Penal Code, is
2-47 prima facie evidence at a hearing authorized by Section 821.022
2-48 that any animal in the person's possession has been cruelly
2-49 treated, regardless of whether the animal was subjected to conduct
2-50 prohibited by Section 21.09, Penal Code.

2-51 (b) A statement of an owner made at a hearing provided for
2-52 under this subchapter is not admissible in a trial of the owner for
2-53 an offense under Section 21.09, 42.09, or 42.092, Penal Code.

2-54 SECTION 6. The change in law made by this Act applies only
2-55 to an offense committed on or after the effective date of this Act.
2-56 An offense committed before the effective date of this Act is
2-57 governed by the law in effect on the date the offense was committed,
2-58 and the former law is continued in effect for that purpose. For
2-59 purposes of this section, an offense was committed before the
2-60 effective date of this Act if any element of the offense occurred
2-61 before that date.

2-62 SECTION 7. This Act takes effect September 1, 2017.

2-63 * * * * *