

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 5, 2017

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB188 by Uresti (Relating to civil or criminal liability for transporting in, confining in, or removing from a motor vehicle certain animals.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Civil Practice and Remedies Code and Penal Code removing civil and criminal penalties if a person removes a domestic animal from a motor vehicle when certain conditions are met. The person entering the vehicle must: determine the motor vehicle is locked, there is no reasonable exit for the animal to exit without assistance, has on good faith that entry is necessary to avoid harm to the animal, before or after entry into the vehicle law enforcement is notified of 911 called, no more force is used than necessary, remain with the domestic animal until law enforcement or first responder arrives, and transfers control to the first responder.

The bill would include in the offense of cruelty to nonlivestock animals the conditions of intentionally, knowingly, or recklessly by depriving an animal of adequate ventilation or exposing an animal in a motor vehicle to prolonged and life-threatening heat or cold without providing proper protection for the animal.

Such offenses are punishable as a Class A misdemeanor, state jail felony, or felony of the third degree depending on the conditions associated with the offense and whether the offender has previous convictions for similar charges.

Local Government Impact

A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both. Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 696
Department of Criminal Justice

LBB Staff: UP, AG, GG, BM