

House Bill 2817
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

No equivalent provision.

SECTION 1. Subtitle B, Title 6, Agriculture Code, is amended by adding Chapter 153 to read as follows:

CHAPTER 153. PREVENTION AND INVESTIGATION OF CATTLE THEFT

Sec. 153.001. DEFINITIONS. In this chapter:

(1) "Association" means the Texas and Southwestern Cattle Raisers Association.

(2) "Program" means the inspection program established by department rule under Section 153.002.

Sec. 153.002. ESTABLISHMENT OF PROGRAM. (a) The department by rule shall establish a cattle inspection program to discourage and investigate property crimes involving cattle in this state:

(1) on request by the association; and

(2) if a similar program authorized by federal law is canceled, suspended, repealed, or otherwise scheduled for discontinuation.

(b) The program must utilize existing cattle industry infrastructure to the extent possible.

(c) The department shall establish an advisory committee to advise the department on program rules. At least once every two years, the advisory committee shall review the program rules and submit findings and recommendations to the department.

Sec. 153.003. INSPECTIONS. Program rules must authorize the special rangers appointed under Article 2.125, Code of Criminal Procedure, and other association employees designated by the special rangers, to inspect and record brands and other identifying characteristics of cattle at livestock auction markets.

Sec. 153.004. ASSESSMENT. (a) Program rules must establish a per-head regulatory assessment in an amount

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necessary to reimburse the association for direct costs incurred under this chapter.

(b) In determining the amount of the assessment, the department shall consider:

(1) the amount of similar assessments or charges authorized by the laws of other states or the United States;

(2) the direct operating costs of the program; and

(3) the expertise required to operate the program.

(c) On request by the association, the department shall review the amount of the assessment and consider any necessary revision.

(d) Each livestock auction market shall collect the assessment and remit the amount collected to the association.

(e) Assessments collected under this section are not state funds and are not required to be deposited in the state treasury.

(f) A person who has possession, custody, or control of an assessment collected under this section and not remitted to the association before the 31st day after the date collected is subject to an administrative penalty in an amount provided by department rule.

Sec. 153.005. STATE OVERSIGHT. (a) The department must approve the association's budget for the program each year.

(b) The department shall review and act on the association's budget for the program each year not later than the 45th day after the date the association submits the budget to the department.

(c) The department or the state auditor may inspect the association's financial records related to the program at any time.

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SECTION 1. Section 28.03, Penal Code, is amended by amending Subsection (b) and adding Subsection (k) to read as follows:

(b) Except as provided by Subsections (f) and (h), an offense under this section is:

(1) a Class C misdemeanor if:

(A) the amount of pecuniary loss is less than \$100; or

(B) except as provided in Subdivision (3)(A) or (3)(B), it causes substantial inconvenience to others;

(2) a Class B misdemeanor if the amount of pecuniary loss is \$100 or more but less than \$750;

(3) a Class A misdemeanor if:

(A) the amount of pecuniary loss is \$750 or more but less than \$2,500; or

(B) the actor causes in whole or in part impairment or interruption of any public water supply, or causes to be diverted in whole, in part, or in any manner, including installation or removal of any device for any such purpose, any public water supply, regardless of the amount of the pecuniary loss;

(4) a state jail felony if the amount of pecuniary loss is:

(A) \$2,500 or more but less than \$30,000;

(B) less than \$2,500, if the property damaged or destroyed is a habitation and if the damage or destruction is caused by a firearm or explosive weapon;

(C) less than \$2,500, if the property was a fence used for the production or containment of:

(i) cattle, bison, horses, sheep, swine, goats, exotic livestock, or exotic poultry; or

(ii) game animals as that term is defined by Section 63.001, Parks and Wildlife Code; or

(D) less than \$30,000 and the actor causes wholly or partly

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SECTION 2. Same as House version.

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impairment or interruption of public communications, public transportation, public gas or power supply, or other public service, or causes to be diverted wholly, partly, or in any manner, including installation or removal of any device for any such purpose, any public communications or public gas or power supply;

(5) a felony of the third degree if:

(A) the amount of the pecuniary loss is \$30,000 or more but less than \$150,000; or

(B) the actor, by discharging a firearm or other weapon or by any other means, causes the death of one or more head of cattle or bison or one or more horses;

(6) a felony of the second degree if the amount of pecuniary loss is \$150,000 or more but less than \$300,000; or

(7) a felony of the first degree if the amount of pecuniary loss is \$300,000 or more.

(k) Subsection (a)(1) or (2) does not apply if the tangible personal property of the owner was a head of cattle or bison killed, or a horse killed, in the course of the actor's:

(1) actual discharge of official duties as a member of the United States armed forces or the state military forces as defined by Section 437.001, Government Code; or

(2) regular agricultural labor duties and practices.

SECTION 2. The change in law made by this Act applies 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 by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if

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SECTION 3. Substantially the same as House version.

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any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2017.

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SECTION 4. Same as House version.

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