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By:  Ramos H.B. No. 2516

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the criminal offense of cruelty to nonlivestock animals and to the inclusion of related conduct in the definition of family violence.

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

SECTION 1.  Article 42.013, Code of Criminal Procedure, is amended to read as follows:

Art. 42.013.  FINDING OF FAMILY VIOLENCE. In the trial of an offense under Title 5 or Section 42.092, Penal Code, if the court determines that the offense involved family violence, as defined by Section 71.004, Family Code, the court shall make an affirmative finding of that fact and enter the affirmative finding in the judgment of the case.

SECTION 2.  Section 71.004, Family Code, is amended to read as follows:

Sec. 71.004.  FAMILY VIOLENCE. (a) "Family violence" means:

(1)  an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;

(2)  abuse, as that term is defined by Sections 261.001(1)(C), (E), (G), (H), (I), (J), (K), and (M), by a member of a family or household toward a child of the family or household; [~~or~~]

(3)  dating violence, as that term is defined by Section 71.0021; or

(4)  an act that constitutes an offense, or an attempt or threat to commit an offense, under Section 42.092, Penal Code:

(A)  against an animal owned or possessed by a member of the actor's family or household or by a person with whom the actor has or has had a dating relationship; and

(B)  with the intent to coerce, control, punish, or intimidate the member or person.

(b)  For purposes of Subsection (a)(4):

(1)  coercion, as defined by Section 1.07, Penal Code, includes the use of force or a threat of force to compel a person to:

(A)  engage in conduct from which the person has the right or privilege to abstain; or

(B)  abstain from conduct in which the person has the right or privilege to engage; and

(2)  possession of an animal by a person means:

(A)  actual care, custody, control, or management of an animal by the person; or

(B)  constructive possession of an animal owned by the person or for which the person has been the primary caregiver.

SECTION 3.  The changes in law made by this Act apply 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 any element of the offense occurred before that date.

SECTION 4.  This Act takes effect September 1, 2019.