

By: Ramos

H.B. No. 2516

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the prosecution of the criminal offense of cruelty to
3 nonlivestock animals and to the inclusion of related conduct in the
4 definition of family violence.

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

6 SECTION 1. Article [42.013](#), Code of Criminal Procedure, is
7 amended to read as follows:

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

14 SECTION 2. Section [71.004](#), Family Code, is amended to read
15 as follows:

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

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

23 (2) abuse, as that term is defined by Sections
24 [261.001](#)(1)(C), (E), (G), (H), (I), (J), (K), and (M), by a member of

1 a family or household toward a child of the family or household;

2 [~~or~~]

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

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

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

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

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

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

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

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

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

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

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

24 SECTION 3. The changes in law made by this Act apply only to
25 an offense committed on or after the effective date of this Act. An
26 offense committed before the effective date of this Act is governed
27 by the law in effect on the date the offense was committed, and the

1 former law is continued in effect for that purpose. For purposes of
2 this section, an offense was committed before the effective date of
3 this Act if any element of the offense occurred before that date.

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