

By: Kolkhorst
(Springer)

S.B. No. 1884

A BILL TO BE ENTITLED

AN ACT

relating to the protection of animal and crop facilities; creating
a criminal offense.

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

SECTION 1. Title 8, Agriculture Code, is amended by adding
Chapter 252 to read as follows:

CHAPTER 252. ANIMAL AND CROP FACILITIES

Sec. 252.001. DEFINITIONS. In this chapter:

(1) "Animal" means poultry, livestock, and other
domestic and wild animals. The term does not include an animal used
for illegal gaming.

(2) "Animal or crop facility" means a facility that is
used in the agricultural production of animals or crops. The term
includes:

(A) a tractor, trailer, farm implement of
husbandry, building, greenhouse, structure, laboratory, pasture,
field, paddock, pond, impoundment, or premises where animals or
crops are located;

(B) a managed bee colony; and

(C) a livestock market.

(3) "Crop" includes a shrub, vine, tree, seedling,
shoot, slip, or other plant capable of producing food, fiber,
medicine, nursery stock, floral products, or aesthetic beauty.

Sec. 252.002. CRIMINAL OFFENSE. (a) Except as provided by

1 Subsection (a-1), a person commits an offense if the person:

2 (1) intentionally releases, steals, destroys, or
3 otherwise causes the loss of an animal or crop from an animal or
4 crop facility without the consent of the owner or operator of the
5 animal or crop facility;

6 (2) damages, vandalizes, or steals any property on or
7 from an animal or crop facility;

8 (3) breaks and enters into an animal or crop facility
9 with the intent to destroy or alter records, data, materials,
10 equipment, animals, or crops;

11 (4) knowingly obtains control by theft or deception or
12 exerts unauthorized control over any materials, equipment,
13 animals, or crops of an animal or crop facility for the purpose of
14 depriving the owner or operator of the facility or the facility of
15 materials, equipment, animals, or crops; or

16 (5) enters or remains on an animal or crop facility
17 with the intent to commit an act prohibited under this section.

18 (a-1) An actor's conduct described by Subsection (a) does
19 not constitute an offense under this section if the actor causes a
20 loss to the animal or crop facility in an amount less than \$500.

21 (b) An offense under this section is:

22 (1) a Class B misdemeanor if the actor causes a loss to
23 the animal or crop facility in an amount of at least \$500 but not
24 more than \$2,500; or

25 (2) a Class A misdemeanor if the actor causes a loss to
26 the animal or crop facility in an amount more than \$2,500.

27 (c) Except as provided by Subsection (d), if conduct

1 constituting an offense under this section also constitutes an
2 offense under another provision of law, the person may be
3 prosecuted under either this section or the other provision.

4 (d) If conduct that constitutes an offense under this
5 section also constitutes a felony under Section 28.03 or 31.03,
6 Penal Code, the actor may be prosecuted only under Section 28.03 or
7 31.03, Penal Code.

8 Sec. 252.003. MANDATORY RESTITUTION. (a) The court shall
9 order a defendant convicted of an offense under Section 252.002 to
10 pay restitution to the owner or operator of the animal or crop
11 facility in an amount equal to the amount of the loss caused by the
12 actor, including the value of any animal or crop damaged,
13 destroyed, or lost.

14 (b) The court shall, after considering the financial
15 circumstances of the defendant, specify in a restitution order
16 issued under Subsection (a) the manner in which the defendant must
17 pay the restitution.

18 (c) A restitution order issued under Subsection (a) may be
19 enforced by the state or a victim named in the order to receive the
20 restitution in the same manner as a judgment in a civil action. A
21 victim may recover court costs and reasonable attorney's fees
22 incurred in enforcing a restitution order as provided by this
23 subsection.

24 (d) The court may hold a hearing, make findings of fact, and
25 amend a restitution order issued under Subsection (a) if the
26 defendant fails to pay the victim named in the order in the manner
27 specified by the court.

1 Sec. 252.004. INJUNCTIVE RELIEF. (a) The owner or
2 operator of an animal or crop facility may bring an action for
3 injunctive relief against a person who engages or threatens to
4 engage in conduct that constitutes an offense under Section
5 252.002.

6 (b) The action may be brought in a district court in a county
7 in which any part of the conduct or threatened conduct occurs.

8 (c) The court may grant any appropriate injunctive relief to
9 prevent or abate the conduct or threatened conduct, including a
10 temporary restraining order, temporary injunction, or permanent
11 injunction.

12 SECTION 2. This Act takes effect September 1, 2019.