

By: Kolkhorst

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 vehicle, building, greenhouse, structure, laboratory, pasture, field, paddock, pond, impoundment, or premises where animals or crops are located.

(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) A person commits an offense if the person:

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

1 animal or crop facility;

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

4 (3) breaks and enters into an animal or crop facility
5 with the intent to destroy, alter, duplicate, or obtain
6 unauthorized possession of records, data, materials, equipment,
7 animals, or crops;

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

13 (5) possesses or uses records, materials, data,
14 equipment, crops, or animals in any way to copy or reproduce records
15 or data of an animal or crop facility knowing or reasonably
16 believing that the records, data, materials, equipment, animals, or
17 crops have been obtained by theft or deception or without the
18 authorization of the owner or operator of the animal or crop
19 facility; or

20 (6) enters or remains on an animal or crop facility
21 with the intent to commit an act prohibited under this section.

22 (b) An offense under this section is:

23 (1) a Class A misdemeanor if the actor causes a loss to
24 the animal or crop facility in an amount less than \$250; or

25 (2) a state jail felony if the actor causes a loss to
26 the animal or crop facility in an amount of \$250 or more.

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, as applicable:

12 (1) twice the value of the animal or crop damaged,
13 destroyed, or lost; or

14 (2) the reasonable costs of replacing records, data,
15 materials, equipment, animals, or crops that were damaged,
16 destroyed, or lost or that are unable to be returned.

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

21 (c) A restitution order issued under Subsection (a) may be
22 enforced by the state or a victim named in the order to receive the
23 restitution in the same manner as a judgment in a civil action.

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 operator
2 of an animal or crop facility may bring an action for injunctive
3 relief against a person who engages or threatens to engage in
4 conduct that constitutes an offense under Section 252.002.

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

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

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