

BILL ANALYSIS

C.S.H.B. 4282
By: Morales Shaw
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Community organizations have raised concerns regarding the possession of animals by animal cruelty offenders. Currently, in civil cases in which a person is found to have been cruel to animals, the judge has discretion to require the defendant to relinquish custody of any animals in the defendant's possession or to prohibit the defendant from possessing or exercising control over any animals or from residing in a household where animals are present. C.S.H.B. 4282 seeks to keep animals out of the custody of individuals that have repeated offenses of animal cruelty by providing for the permanent relinquishment of animals for these individuals.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4282 amends the Penal Code to create a Class C misdemeanor offense for a person who possesses or exercises control over an animal or resides in a household in which an animal is present and the person has been previously convicted two or more times of any of the following offenses:

- attack on an assistance animal;
- cruelty to nonlivestock animals;
- dog fighting;
- cockfighting; or
- an offense under federal law or a penal law of another state containing elements that are substantially similar to the elements of these offenses.

The bill enhances the penalty for a subsequent conviction of the offense to a Class B misdemeanor.

C.S.H.B. 4282 amends the Code of Criminal Procedure to require a court, as a condition of punishment for a defendant convicted of the offense, to require the defendant to permanently relinquish custody of any animals in the defendant's possession.

C.S.H.B. 4282 requires a judge who grants community supervision to a defendant convicted of bestiality, attack on an assistance animal, cruelty to nonlivestock animals, dog fighting, or cockfighting to require the defendant to relinquish custody of any animals in the defendant's possession and to prohibit the defendant from possessing or exercising control over any animals

or from residing in a household where animals are present. The bill authorizes a judge who grants community supervision to a defendant convicted of cruelty to nonlivestock animals, attack on an assistance animal, dog fighting, or cockfighting to require the defendant to participate in a psychological counseling or other appropriate treatment program for a period to be determined by the court.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4282 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The original created an offense for a person who possesses or resides in a household with an animal and has been previously convicted two or more times of certain offenses, including cruelty to livestock animals. The substitute does not include cruelty to livestock animals among the conduct of the created offense.

The original imposed certain actions on a judge who grants community supervision to a defendant convicted of cruelty to livestock animals. The substitute does not include this imposition.