

SENATE AMENDMENTS

2nd Printing

By: Cyrier

H.B. No. 1480

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 (b), 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 exerts
12 unauthorized control over any equipment, animals, or crops of an
13 animal or crop facility for the purpose of depriving the owner or
14 operator of the facility or the facility of materials, equipment,
15 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 (b) An actor's conduct described by Subsection (a) does not
19 constitute an offense under this section if the actor causes a loss
20 to the animal or crop facility in an amount less than \$500.

21 (c) 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 (d) Except as provided by Subsection (e), 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 (e) 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. RESTITUTION. (a) The court may order a
9 defendant convicted of an offense under Section 252.002 to pay
10 restitution to the owner or operator of the animal or crop facility
11 in an amount equal to the amount of the loss caused by the actor,
12 including the value of any animal or crop damaged, destroyed, or
13 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, 2021.

ADOPTED

MAY 27 2021

By: L. W. Keller H

Substitute the following for H.B. No. 1480:

Lacey Law
Secretary of the Senate

H.B. No. 1480

By: L. W. Keller H

C.S. H.B. No. 1480

A BILL TO BE ENTITLED

1 AN ACT

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3 a criminal offense.

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

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

7 CHAPTER 252. ANIMAL AND CROP FACILITIES

8 Sec. 252.001. DEFINITIONS. In this chapter:

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

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

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

19 (B) a managed bee colony; and

20 (C) a livestock market.

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

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

1 Subsection (b), 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; or

11 (4) enters or remains on an animal or crop facility
12 with the intent to commit an act prohibited under this section.

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

16 (c) An offense under this section is:

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

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

22 (d) Except as provided by Subsection (e), if conduct
23 constituting an offense under this section also constitutes an
24 offense under another provision of law, the person may be
25 prosecuted under either this section or the other provision.

26 (e) If conduct that constitutes an offense under this
27 section also constitutes a felony under Section 28.03 or 31.03,

1 Penal Code, the actor may be prosecuted only under Section 28.03 or
2 31.03, Penal Code.

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

9 (b) The court shall, after considering the financial
10 circumstances of the defendant, specify in a restitution order
11 issued under Subsection (a) the manner in which the defendant must
12 pay the restitution.

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

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

23 Sec. 252.004. INJUNCTIVE RELIEF. (a) The owner or
24 operator of an animal or crop facility may bring an action for
25 injunctive relief against a person who engages or threatens to
26 engage in conduct that constitutes an offense under Section
27 252.002.

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

3 (c) The court may grant any appropriate injunctive relief to
4 prevent or abate the conduct or threatened conduct, including a
5 temporary restraining order, temporary injunction, or permanent
6 injunction.

7 SECTION 2. This Act takes effect September 1, 2021.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 27, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1480 by Cyrier (Relating to the protection of animal and crop facilities; creating a criminal offense.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Agriculture Code to create a criminal offense for intentional damages, theft, breaking and entering, or possession of records or equipment without consent for animal or crop facilities. The bill provides definitions for this offense and provides that the offense is a Class B misdemeanor if the loss caused to a facility is less at least \$500 but not more than \$2500 or a Class A misdemeanor if the loss is more than \$2500. The bill would require a court, after considering the defendant's financial circumstances, to order a defendant convicted of the above criminal offense to pay restitution to the facility owner or operator in certain amounts. The restitution order would be enforced by the state or by a victim, and the court could hold a hearing to make findings of fact and amend the restitution order if the defendant fails to pay the victim as specified by the court.

The bill would allow the facility owner or operator to seek injunctive relief in a district court against a person who engages or threatens to engage in conduct that would be an offense under the new criminal offense outlined above. The bill would allow the court to grant appropriate injunctive relief.

Based on the analysis of the Office of Court Administration, any new case volume driven by the bill should be absorbed by existing court resources, and no significant fiscal impact to the state court system is anticipated.

This analysis assumes the provisions of the bill addressing sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

Local Government Impact

A Class B misdemeanor is punishable by a fine of not more than \$2,000, confinement in jail for a term not to exceed 180 days, or both. A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both. Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, SD, AJL, MW, BH, AF

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 19, 2021

TO: Honorable Charles Perry, Chair, Senate Committee on Water, Agriculture & Rural Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1480 by Cyrier (relating to the protection of animal and crop facilities; creating a criminal offense.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Agriculture Code to create a criminal offense for intentional damages, theft, breaking and entering, or possession of records or equipment without consent for animal or crop facilities. The bill provides definitions for this offense and provides that the offense is a Class B misdemeanor if the loss caused to a facility is less at least \$500 but not more than \$2500 or a Class A misdemeanor if the loss is more than \$2500. The bill would require a court, after considering the defendant's financial circumstances, to order a defendant convicted of the above criminal offense to pay restitution to the facility owner or operator in certain amounts. The restitution order would be enforced by the state or by a victim, and the court could hold a hearing to make findings of fact and amend the restitution order if the defendant fails to pay the victim as specified by the court.

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Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, AJL, MW, BH, AF

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 19, 2021

TO: Honorable Charles Perry, Chair, Senate Committee on Water, Agriculture & Rural Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1480 by Cyrier (Relating to the protection of animal and crop facilities; creating a criminal offense.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Agriculture Code to create a criminal offense for intentional damages, theft, breaking and entering, or possession of records or equipment without consent for animal or crop facilities. The bill provides definitions for this offense and provides that the offense is a Class B misdemeanor if the loss caused to a facility is less at least \$500 but not more than \$2500 or a Class A misdemeanor if the loss is more than \$2500. The bill would require a court, after considering the defendant's financial circumstances, to order a defendant convicted of the above criminal offense to pay restitution to the facility owner or operator in certain amounts. The restitution order would be enforced by the state or by a victim, and the court could hold a hearing to make findings of fact and amend the restitution order if the defendant fails to pay the victim as specified by the court.

The bill would allow the facility owner or operator to seek injunctive relief in a district court against a person who engages or threatens to engage in conduct that would be an offense under the new criminal offense outlined above. The bill would allow the court to grant appropriate injunctive relief.

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Local Government Impact

A Class B misdemeanor is punishable by a fine of not more than \$2,000, confinement in jail for a term not to exceed 180 days, or both. A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both. Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, AJL, MW, BH, AF

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 17, 2021

TO: Honorable DeWayne Burns, Chair, House Committee on Agriculture & Livestock

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1480 by Cyrier (Relating to the protection of animal and crop facilities; creating a criminal offense.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Agriculture Code to create a criminal offense for intentional damages, theft, breaking and entering, or possession of records or equipment without consent for animal or crop facilities. The bill provides definitions for this offense and provides that the offense is a Class B misdemeanor if the loss caused to a facility is less at least \$500 but not more than \$2500 or a Class A misdemeanor if the loss is more than \$2500. The bill would require a court, after considering the defendant's financial circumstances, to order a defendant convicted of the above criminal offense to pay restitution to the facility owner or operator in certain amounts. The restitution order would be enforced by the state or by a victim, and the court could hold a hearing to make findings of fact and amend the restitution order if the defendant fails to pay the victim as specified by the court.

The bill would allow the facility owner or operator to seek injunctive relief in a district court against a person who engages or threatens to engage in conduct that would be an offense under the new criminal offense outlined above. The bill would allow the court to grant appropriate injunctive relief.

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This analysis assumes the provisions of the bill addressing sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

Local Government Impact

A Class B misdemeanor is punishable by a fine of not more than \$2,000, confinement in jail for a term not to exceed 180 days, or both. A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both. Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, AJL, MW, BH, AF

LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

87TH LEGISLATIVE REGULAR SESSION

May 19, 2021

TO: Honorable Charles Perry, Chair, Senate Committee on Water, Agriculture & Rural Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1480 by Cyrier (relating to the protection of animal and crop facilities; creating a criminal offense.), **Committee Report 2nd House, Substituted**

The provisions of the bill addressed by this analysis would amend the Agriculture Code as it relates to the protection of crop and animal facilities and creating a criminal offense. Under the provisions of the bill, a number of actions related to animal and crop facilities would be punishable as a Class B or Class A Misdemeanor with the specific punishment based on the amount of pecuniary loss to the animal or crop facility.

A Class A Misdemeanor is punishable by confinement in county jail for a term not to exceed one year and, in addition to confinement, an optional fine not to exceed \$4,000. A Class B Misdemeanor is punishable by confinement in a county jail for a term not to exceed 180 days and, in addition to confinement, an optional fine not to exceed \$2,000.

This analysis assumes implementing the provisions of the bill would not result in a significant impact on the demand for state correctional resources.

Source

Agencies:

LBB Staff: JMc, AJL, LM, CMA, MP

LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

87TH LEGISLATIVE REGULAR SESSION

May 19, 2021

TO: Honorable Charles Perry, Chair, Senate Committee on Water, Agriculture & Rural Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1480 by Cyrier (Relating to the protection of animal and crop facilities; creating a criminal offense.), **As Engrossed**

The provisions of the bill addressed by this analysis would amend the Agriculture Code as it relates to the protection of crop and animal facilities and creating a criminal offense. Under the provisions of the bill, a number of actions related to animal and crop facilities would be punishable as a Class B or Class A Misdemeanor with the specific punishment based on the amount of pecuniary loss caused to the animal or crop facility.

A Class A Misdemeanor is punishable by confinement in county jail for a term not to exceed one year and, in addition to confinement, an optional fine not to exceed \$4,000. A Class B Misdemeanor is punishable by confinement in a county jail for a term not to exceed 180 days and, in addition to confinement, an optional fine not to exceed \$2,000.

This analysis assumes implementing the provisions of the bill would not result in a significant impact on the demand for state correctional resources.

Source

Agencies:

LBB Staff: JMc, AJL, LM, CMA, MP

LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

87TH LEGISLATIVE REGULAR SESSION

Revision 1

March 26, 2021

TO: Honorable DeWayne Burns, Chair, House Committee on Agriculture & Livestock

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1480 by Cyrier (Relating to the protection of animal and crop facilities; creating a criminal offense.), **As Introduced**

The provisions of the bill addressed by this analysis would amend the Agriculture Code as it relates to the protection of crop and animal facilities and creating a criminal offense. Under the provisions of the bill, a number of actions related to animal and crop facilities would be punishable as a Class B Misdemeanor if the actor causes a loss to the animal or crop facility in an amount more than \$500, and a Class A Misdemeanor if the actor causes a loss to the animal or crop facility in an amount more than \$2,500.

A Class A Misdemeanor is punishable by confinement in county jail for a term not to exceed one year and, in addition to confinement, an optional fine not to exceed \$4,000. A Class B Misdemeanor is punishable by confinement in a county jail for a term not to exceed 180 days and, in addition to confinement, an optional fine not to exceed \$2,000.

This analysis assumes implementing the provisions of the bill would not result in a significant impact on the demand for state correctional resources.

Source

Agencies:

LBB Staff: JMc, AJL, LM, CMA, MP

LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

87TH LEGISLATIVE REGULAR SESSION

March 17, 2021

TO: Honorable DeWayne Burns, Chair, House Committee on Agriculture & Livestock

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1480 by Cyrier (Relating to the protection of animal and crop facilities; creating a criminal offense.), **As Introduced**

The provisions of the bill addressed by this analysis would amend the Agriculture Code as it relates to the protection of crop and animal facilities and creating a criminal offense. Under the provisions of the bill, a number of actions related to animal and crop facilities would be punishable as a Class B Misdemeanor if the actor causes a loss to the animal or crop facility in an amount more than \$2,500, and a Class A Misdemeanor if the actor causes a loss to the animal or crop facility in an amount more than \$2,500.

A Class A Misdemeanor is punishable by confinement in county jail for a term not to exceed one year and, in addition to confinement, an optional fine not to exceed \$4,000. A Class B Misdemeanor is punishable by confinement in a county jail for a term not to exceed 180 days and, in addition to confinement, an optional fine not to exceed \$2,000.

This analysis assumes implementing the provisions of the bill would not result in a significant impact on the demand for state correctional resources.

Source

Agencies:

LBB Staff: JMc, AJL, LM, MP