

House Bill 1480
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 Subsection (b), 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 animal or crop facility;

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

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

(4) knowingly obtains control by theft or exerts unauthorized

SENATE VERSION (CS)

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 Subsection (b), 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 animal or crop facility;

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

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

CONFERENCE

House Bill 1480
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

control over any equipment, animals, or crops of an animal or crop facility for the purpose of depriving the owner or operator of the facility or the facility of materials, equipment, animals, or crops; or

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

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

(c) An offense under this section is:

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

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

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

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

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

(b) The court shall, after considering the financial circumstances of the defendant, specify in a restitution order issued under Subsection (a) the manner in which the

SENATE VERSION (CS)

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

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

(c) An offense under this section is:

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

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

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

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

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

(b) The court shall, after considering the financial circumstances of the defendant, specify in a restitution order issued under Subsection (a) the manner in which the

CONFERENCE

House Bill 1480
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

defendant must pay the restitution.

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

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

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

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

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

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

SENATE VERSION (CS)

defendant must pay the restitution.

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

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

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

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

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

SECTION 2. Same as House version.

CONFERENCE