

## **BILL ANALYSIS**

Senate Research Center

H.B. 598  
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Criminal Justice  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Animals that come under the ownership of or share a residence with an individual with a past conviction for animal cruelty are more likely to be subjected to various forms of animal cruelty by said offender. And yet, current law permits a past offender to own or share a living space with an animal without that offender facing repercussions. Unless interrupted, this could also lead offenders of animal cruelty to later commit violence against people.

Preventing previous perpetrators of animal cruelty from possessing an animal and establishing an enhancement for repeat offenders would allow for intervention while possibly also helping prevent future violence.

H.B. 598 helps to reduce the possibility of animal cruelty cases occurring by creating an offense for individuals with a history of animal cruelty who own or share a residence with pets by:

- creating a Class C misdemeanor offense for possessing or exercising control over an animal for any person who within the past five years was convicted of an attack on an assistance animal, cruelty to nonlivestock animals, dog fighting, or of a similar federal law or law of another state; and
- establishing that any subsequent conviction for the wrongful possession of an animal by a person convicted of animal cruelty would be a Class B misdemeanor.

H.B. 598 amends current law relating to creating the criminal offense of possession of an animal by a person who has been previously convicted of an offense involving animal cruelty.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 42, Penal Code, by adding Section 42.107, as follows:

Sec. 42.107. POSSESSION OF ANIMAL BY PERSON CONVICTED OF ANIMAL CRUELTY. (a) Provides that a person commits an offense if the person:

- (1) possesses or exercises control over an animal; and
- (2) within the five-year period preceding the date of the instant offense, has been previously convicted of an offense under:
  - (A) Section 42.091 (Attack on Assistance Animal), 42.092 (Cruelty to Nonlivestock Animals), or 42.10 (Dog Fighting); or
  - (B) federal law or a penal law of another state containing elements that are substantially similar to the elements of an offense described by Paragraph (A).

(b) Provides that an offense under this section is a Class C misdemeanor, except that the offense is a Class B misdemeanor if the defendant has been previously convicted of an offense under this section.

SECTION 2. Effective date: September 1, 2023.