

BILL ANALYSIS

C.S.H.B. 598
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The current penalties for animal abuse do not adequately deter an individual from possessing an animal after being convicted of certain animal cruelty offenses. C.S.H.B. 598 seeks to address this issue by creating a criminal offense for the possession of an animal by a person who has been previously convicted of certain animal cruelty offenses.

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. 598 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 has previously been convicted of any of the following offenses within the five-year period preceding the date of the instant offense:

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

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

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 598 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a specification that the previous conviction for certain animal cruelty offenses must occur in a five-year period preceding the date of the instant offense for application of the offense, whereas the introduced did not include this specification.