

BILL ANALYSIS

Senate Research Center

H.B. 3660
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Criminal Justice
5/12/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Feral, or non-owned and free-roaming, cats negatively impact songbirds, small mammals, amphibians, and other native wildlife populations. Some municipalities and animal advocacy organizations have enacted trap-neuter-release (TNR) programs, which aim to decrease the number of feral cats over time via trapping, sterilizing, and then releasing them back to the area from which they came. Although much work remains to address the millions of feral cats in Texas, communities may choose TNR programs as population control measures because they do not require euthanasia. What's more, feral cats are not socialized and usually cannot find placement in homes as family pets. Currently, however, TNR programs may inadvertently violate animal cruelty laws relating to abandonment when the cats are returned to the outdoors.

H.B. 3660 would clarify that persons who bring in feral cats as a part of a TNR program, then release them, are not abandoning the animals under animal cruelty law. This would allow TNR programs to achieve their long-term population control goals without fear of prosecution for animal cruelty.

H.B. 3660 amends current law relating to a defense to prosecution for the offense of cruelty to nonlivestock animals under certain circumstances.

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 Section 42.092(a), Penal Code, by adding Subdivisions (9) and (10) to define "Trap-Neuter-Return Program" and "veterinarian."

SECTION 2. Amends Section 42.092, Penal Code, by adding Subsections (e-1) and (e-2), as follows:

(e-1) Provides that it is a defense to prosecution under Subsection (b)(4) (relating to providing that a person commits an offense if the person intentionally, knowingly, or recklessly abandons unreasonably an animal in the person's custody) that the actor released or returned a stray or feral animal which is not a wild living creature pursuant to a Trap-Neuter-Return Program.

(e-2) Provides that it is a defense to prosecution under Subsection (b)(4) that the actor released or returned a previously trapped wild living creature in accordance with Texas wildlife laws and regulations.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2023.