

BILL ANALYSIS

H.B. 3660
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Observers credit trap-neuter-return (TNR) programs across Texas as an effective measure to control feral cat populations. Generally, cats are trapped, transported to a veterinarian to be sterilized and vaccinated, and then returned to where they were found. In November of 2022, the Brazoria County District Attorney wrote the Office of the Attorney General to request an opinion on whether a municipality or local government entity may engage in a TNR program in compliance with Penal Code provisions establishing the offense of cruelty to nonlivestock animals. The primary concern raised in the request for the opinion was that trapping an animal placed the animal under the actor's custody, and that releasing the animal back into the stray population could be labeled as unreasonable abandonment and therefore considered an offense. H.B. 3660 addresses this concern by establishing a defense to prosecution for the offense of cruelty to nonlivestock animals for certain actors who release or return trapped animals.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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

H.B. 3660 amends the Penal Code to establish that it is a defense to prosecution for the offense of cruelty to nonlivestock animals involving the unreasonable abandonment of an animal in the actor's custody that the actor did the following:

- released or returned a stray or feral animal which is not a wild living creature pursuant to a trap-neuter-return program in which the animal is trapped; evaluated, vaccinated and sterilized if applicable, and marked by a veterinarian; and returned to the trap location; or
- released or returned a previously trapped wild living creature in accordance with Texas wildlife laws and regulations.

The bill applies only to an offense committed on or after the bill's effective date. The bill provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.