

AN ACT

relating to a defense to prosecution for the offense of cruelty to nonlivestock animals under certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 42.092(a), Penal Code, is amended by adding Subdivisions (9) and (10) to read as follows:

(9) "Trap-Neuter-Return Program" means a nonlethal population control practice in which an animal is:

(A) trapped;

(B) evaluated by a veterinarian;

(C) if unvaccinated, vaccinated by a veterinarian;

(D) if unsterilized, sterilized by a veterinarian;

(E) marked by a veterinarian, whether by notching or tipping one ear or otherwise; and

(F) returned to the trap location.

(10) "Veterinarian" shall have the same meaning as set forth in Section 801.002, Occupations Code.

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

(e-1) It is a defense to prosecution under Subsection (b)(4) that the actor released or returned a stray or feral animal which is not a wild living creature pursuant to a Trap-Neuter-Return

1 Program.

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

6 SECTION 3. The change in law made by this Act applies only
7 to an offense committed on or after the effective date of this Act.
8 An offense committed before the effective date of this Act is
9 governed by the law in effect on the date the offense was committed,
10 and the former law is continued in effect for that purpose. For
11 purposes of this section, an offense was committed before the
12 effective date of this Act if any element of the offense occurred
13 before that date.

14 SECTION 4. This Act takes effect immediately if it receives
15 a vote of two-thirds of all members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 3660 was passed by the House on April 28, 2023, by the following vote: Yeas 142, Nays 2, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3660 was passed by the Senate on May 18, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor