

By: Perez, Morales of Harris, Cook

H.B. No. 3854

A BILL TO BE ENTITLED

AN ACT

relating to creating the criminal offense of possession of an animal by a person convicted of multiple offenses involving animal cruelty and to conditions of punishment and community supervision for defendants convicted of certain criminal offenses involving animals.

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

SECTION 1. Chapter 42, Penal Code, is amended by adding Section 42.107 to read as follows:

Sec. 42.107. POSSESSION OF ANIMAL BY PERSON CONVICTED OF MULTIPLE OFFENSES INVOLVING ANIMAL CRUELTY. (a) A person commits an offense if the person:

(1) possesses or exercises control over an animal or resides in a household in which an animal is present; and

(2) has been previously convicted two or more times of an offense under:

(A) Section 42.091, 42.092, 42.10, or 42.105; 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) An offense under this section is a Class C misdemeanor, except that the offense is a Class B misdemeanor if the defendant has previously been convicted of an offense under this section.

SECTION 2. Chapter 42, Code of Criminal Procedure, is

1 amended by adding Article 42.26 to read as follows:

2 Art. 42.26. PERMANENT RELINQUISHMENT OF ANIMALS FOR
3 REPEATED ANIMAL CRUELTY OFFENSES. For a defendant convicted of an
4 offense under Section 42.107, Penal Code, the court shall, as a
5 condition of punishment, require the defendant to permanently
6 relinquish custody of any animals in the defendant's possession.

7 SECTION 3. Article 42A.511(c), Code of Criminal Procedure,
8 is amended to read as follows:

9 (c) If a judge grants community supervision to a defendant
10 convicted of an offense under Section 21.09, 42.091, 42.092, 42.10,
11 or 42.105, Penal Code, the judge [~~may~~]:

12 (1) shall require the defendant to relinquish custody
13 of any animals in the defendant's possession;

14 (2) shall prohibit the defendant from possessing or
15 exercising control over any animals or residing in a household
16 where animals are present; and [~~or~~]

17 (3) may require the defendant to participate in a
18 psychological counseling or other appropriate treatment program
19 for a period to be determined by the court.

20 SECTION 4. The changes in law made by this Act apply only to
21 an offense committed on or after the effective date of this Act. An
22 offense committed before the effective date of this Act is governed
23 by the law in effect on the date the offense was committed, and the
24 former law is continued in effect for that purpose. For purposes of
25 this section, an offense was committed before the effective date of
26 this Act if any element of the offense occurred before that date.

27 SECTION 5. This Act takes effect September 1, 2023.