

BILL ANALYSIS

H.B. 1720
By: Gervin-Hawkins
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill author has informed the committee that there have been recent incidents throughout Texas, especially in El Paso, in which zoo visitors unlawfully sneak into exhibits housing zoo animals, disrupting the animal's territory. The bill author has also informed the committee that animals housed in zoos are content with their territory being undisturbed by humans to such an extent that when a human does enter the exhibit, it breaks the animal's routine, ultimately making the animal feel alienated or threatened. Such an intrusion into the animal's habitat, even if the human is committing a harmless act, such as trying to feed the animal, can lead to a dangerous situation for both the animal and the intruder. H.B. 1720 seeks to address this issue by creating the offense of trespass in a facility housing an animal and providing for restitution for damage, loss, or destruction resulting from that trespass.

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

H.B. 1720 amends the Penal Code to create the state jail felony offense of trespass in a facility housing an animal for a person who enters an indoor or outdoor facility housing an animal that is operated for the purpose of public visitation, conservation, education, or science, including a zoo, and enters a cage, enclosure, or other area where an animal is exhibited or housed while knowing the person has no legal authority, license, or permission to enter.

H.B. 1720 enhances the penalty for the offense to a third degree felony if it is shown on the trial of the offense that the actor harassed the animal and the animal suffered injury or death. The bill defines "harass" as engaging in any act that demonstrates a disregard for an animal's well-being or disrupts an animal's normal behavior patterns, including disrupting the animal's feeding, watering, resting, or breeding.

H.B. 1720 establishes as a defense to prosecution for the offense that the person entered the cage, enclosure, or other area to aid another person or an animal located in the cage, enclosure, or other area. It is not a defense to prosecution for the offense that entry to the cage, enclosure, or other area where the animal was exhibited or housed was not sufficiently guarded, locked, or made otherwise inaccessible or that injury to the animal was necessary to protect the person from injury or death.

H.B. 1720 amends the Code of Criminal Procedure to require a court to order a defendant who is convicted of the offense of trespass in a facility housing an animal to make restitution to the facility for the cost of any damage, loss, or destruction as a result of the offense, including the animal's injury or death.

EFFECTIVE DATE

September 1, 2025.