

BILL ANALYSIS

S.B. 762
By: Menéndez
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties believe that the punishment for cruelty to a nonlivestock animal is inadequate and that the existing penalty enhancement framework for such an offense is overly complicated. S.B. 762 seeks to address these concerns by increasing certain related punishments and simplifying related penalty enhancements.

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

S.B. 762 amends the Penal Code to increase from a state jail felony to a third degree felony the penalty for a cruelty to a nonlivestock animal offense that involves torturing an animal, in a cruel manner killing or causing serious bodily injury to an animal, or killing, administering poison to, or causing serious bodily injury to an animal without the owner's effective consent and to further enhance the penalty for such an offense to a second degree felony if the person has previously been convicted of such an offense, of causing one animal to fight with another animal if either animal is not a dog, of using a live animal as a lure in dog race training or in dog coursing on a racetrack, or of cruelty to a livestock animal. The bill changes the circumstances that trigger the enhancement of the penalty for a state jail felony cruelty to a nonlivestock animal offense involving such an unlawful animal fight or lure to a third degree felony from the actor having previously been convicted two times of cruelty to a nonlivestock animal, convicted two times of cruelty to a livestock animal, or convicted one time of cruelty to a nonlivestock animal and one time of cruelty to a livestock animal to the actor having previously been convicted of either such offense.

S.B. 762 repeals Section 821.023(b), Health and Safety Code, which makes a statement of an owner made at a hearing regarding the disposition or return of an allegedly cruelly treated animal inadmissible in a criminal trial of the owner for cruelty to a livestock or nonlivestock animal.

EFFECTIVE DATE

September 1, 2017.