

## **BILL ANALYSIS**

S.B. 1884  
By: Kolkhorst  
Agriculture & Livestock  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Concerns have been raised regarding the recent actions of individuals who have entered several agricultural facilities without the consent of the facility owner or operator in an effort to gain attention and promote themselves, which has resulted in the damage and destruction to livestock and facilities. Additionally, there is concern that these actions pose a threat to the safety of Texans' food supply with respect to disease and contamination. S.B. 1884 seeks to address these concerns and provide for the protection of animal and crop facilities and for the creation of a criminal offense.

### **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. 1884 amends the Agriculture Code to create an offense for a person who does the following:

- intentionally releases, steals, destroys, or otherwise causes the loss of an animal or crop from an animal or crop facility without the consent of the animal's or facility's owner or operator;
- damages, vandalizes, or steals any property on or from an animal or crop facility;
- breaks and enters into an animal or crop facility with the intent to destroy or alter records, data, materials, equipment, animals, or crops;
- knowingly obtains control by theft or deception or exerts unauthorized control over any materials, equipment, animals, or crops of an animal or crop facility for the purpose of depriving the facility's owner or operator or the facility of materials, equipment, animals, or crops; or
- enters or remains on an animal or crop facility with the intent to commit any of this prohibited conduct.

The bill defines "animal," "crop," and "animal or crop facility," and establishes that such conduct does not constitute an offense if the actor causes a loss to the animal or crop facility in an amount less than \$500. The bill makes the offense a Class B misdemeanor if the actor causes a loss to the animal or crop facility in an amount of at least \$500 but not more than \$2,500 or a Class A misdemeanor for causing such a loss in an amount more than \$2,500. The bill authorizes

the prosecution of an actor for conduct that constitutes an offense under the bill's provisions and that also constitutes an offense under another provision of law to proceed under either the bill's provisions or the other provision, but, for conduct that constitutes an offense under the bill's provisions and also a Penal Code criminal mischief or theft felony, authorizes the prosecution of the actor only under those Penal Code provisions.

S.B. 1884 requires the court to order a defendant convicted of an offense under the bill's provisions to pay restitution to the owner or operator of the animal or crop facility in an amount equal to the amount of the loss caused by the actor, including the value of any animal or crop damaged, destroyed, or lost. The bill requires the court, after considering the defendant's financial circumstances, to specify in the restitution order the manner in which the defendant must pay the restitution. The bill authorizes the enforcement of a restitution order by the state or a victim named in the order to receive the restitution in the same manner as a judgment in a civil action and authorizes a victim to recover court costs and reasonable attorney's fees incurred in enforcing the order. The bill authorizes the court to hold a hearing, make findings of fact, and amend a restitution order if the defendant fails to pay the victim named in the order in the manner specified by the court.

S.B. 1884 authorizes the owner or operator of an animal or crop facility to bring an action for injunctive relief against a person who engages or threatens to engage in conduct that constitutes an offense under the bill's provisions and establishes venue for the action in a district court in a county in which any part of the conduct or threatened conduct occurs. The bill authorizes the court to grant any appropriate injunctive relief to prevent or abate the conduct or threatened conduct, including a temporary restraining order, temporary injunction, or permanent injunction.

**EFFECTIVE DATE**

September 1, 2019.