

SUBJECT: Horse theft prevention, horse slaughterer fees and inspection

COMMITTEE: Agriculture and Livestock — committee substitute recommended

VOTE: 5 ayes — Cook, Flores, Hupp, Rabuck, Roman
0 nays
1 present, not voting — Patterson
3 absent — Swinford, Oakley, B. Turner

WITNESSES: For — Gary Joiner, Texas Farm Bureau; Ed Small, Texas and Southwestern Cattle Raisers Association; Jeff True, Texas Quarter Horse Association
Against — None

DIGEST: CSHB 2396 would provide a horse theft prevention and identification program, require horse slaughterers to pay a fee for each horse slaughtered, and provide for the inspection of horses sold to slaughterhouses.

Horse identification. Under the bill, horse owners could use brands, tattoos, earmarks, electronic devices or other generally accepted identification methods to identify their horses. Horse owners would be required to record the mark with the county clerk of the county where the animal is located and entitled to register for exclusive use an identification mark with the Department of Public Safety.

The Texas Agricultural Extension Service (TAES) would develop an ongoing training program for horse owners to promote the prevention of horse theft. The program would include information on permanent identification of horses and other measure to thwart theft. A county office of the TAES would notify horse owners about the program.

Slaughterer's fees and record keeping. Horse slaughterers would pay a \$5 fee for each horse purchased, which would be remitted on a weekly basis to the following entities: \$2 to the Texas Agricultural Extension Service,

and \$3 to the department, agency or association designated by the federal government to inspect livestock. The qualifying agency would be required to inspect every horse held, handled, purchased or sold through a slaughterhouse.

The bill would require livestock slaughterers to preserve a record of all animals purchased and slaughtered for two years. This would be a new requirement for horse slaughterers and a one year increase in the time records would have to be kept by those who slaughter cattle, hogs and sheep. The bill would also require horse slaughterers to comply with current statutory requirements for cattle slaughterers, requiring filing of monthly records with the county clerk showing identifying marks, the name of the person from whom the animals were purchased, and the the date of purchase.

Horse theft prevention. State, county or local law enforcement agencies with responsibility for investigating horse theft would be required to provide training for their employees regarding state laws on horse theft, resources available for investigating horse theft, and communication about horse theft with other law enforcement agencies.

The bill would take effect September 1, 1997.

**SUPPORTERS
SAY:**

CSHB 2396 would allow horse owners to fight the growing problem of horse theft, by mandating inspections of horse slaughtering facilities, training law enforcement agencies about horse theft, and promoting the use of horse identification marks. Many of the horses stolen in Texas are family pets, whose owners have a deep emotional attachment to them. It is estimated that there are hundreds of horses stolen annually in the state.

It is difficult to find or prosecute horse thieves under current statutes because horses are usually slaughtered within days of being stolen, and often do not carry identifying marks that would allow law enforcement officers to identify them. Often owners do not know where to turn or to whom to report the theft, and law enforcement agencies can do little about horse thefts when they are reported. Requiring all horses in Texas to be branded would not solve the problem because currently even branded horses are slaughtered without question at the two horsemeat plants in Texas. The two plants are

located in Kaufman, approximately 35 miles east of Dallas and Fort Worth. Although CSHB 2396 would require horse owners to record a horse's identification mark with the county clerk's office, there would be no penalty for failing to record a brand. Also, the bill would entitle horse owners to register their marks with the Texas Department of Public Safety.

CSHB 2396, a long overdue remedy for these costly thefts, would pay for itself and ensure that law enforcement officers were properly trained so the problem of horse theft could be more efficiently tackled. Inspections of horsemeat plants would be carried out by the Texas and Southwestern Cattle Raisers Association (TSCRA), the association currently designated by the U.S. Department of Agriculture to inspect livestock in Texas.

Most horses in Texas are stolen for meat. The two horse meat packing companies in Texas ship meat for human consumption, mostly to Europe. It is only right that these slaughterers should pay the fees to clean up their industry and pay for inspections to make sure that plants are not rendering stolen horseflesh. This would not cause a financial hardship for slaughterers, who could pass the increase on when they buy horses.

The fee money provided to TSCRA would be just sufficient to fund the inspection program. TSCRA would use the fee money to hire several full-time inspectors for the two horse packing plants in the state, and at least one full-time person to track and computerize horse identification records and theft reports and alert inspectors about stolen horses. Inspectors would have to be equipped with computerized scanners to detect the microchips that some horse owners place in the necks of their horses for identification purposes. If the fees raised more money than was needed for the program, the Legislature could readjust them next session.

**OPPONENTS
SAY:**

It would be unfair to burden horsemeat processing plants, only one section of the equine industry, with sizeable punitive fees and increased regulations in order to solve a problem that affects others in the industry as well. Horse owners should share the cost of this program along with equine packing companies.

This bill would tax a legitimate business in order to create an unnecessary bureaucracy to regulate a problem that would all but disappear if horse

owners would voluntarily brand their horses and law enforcement officers would enforce current law. Current statutes already impose heavy penalties for horse theft in Texas: the theft of a horse valued at under \$20,000 is a state-jail felony, punishable by six months to two years in state jail and an optional fine of up to \$10,000, and theft of a horse valued at over \$20,000 is a third degree felony, punishable by two to 10 years in prison and an optional fine of up to \$10,000.

According to the bill's fiscal note, the Texas and Southwestern Cattle Raisers Association would receive \$210,000 annually from the slaughterhouse fees. The fee should be readjusted — this would be more than is needed to inspect only two plants.

OTHER
OPPONENTS
SAY:

For the bill to be really effective, it should be amended to *require* horse owners to brand or mark their animals and register them with the Department of Public Safety.

NOTES:

The committee substitute changed the original version to require rather than allow inspection of each horse handled, purchased or sold through a slaughterhouse and deleted a provision describing what kind of slaughterhouses would be required to be inspected.

The companion bill, SB 279 by Patterson, was referred to Senate Criminal Justice Committee.