

SUBJECT: \$100 to animal shelter for community supervision for animal cruelty

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 7 ayes — Gallego, Aliseda, Burkett, Carter, Christian, Y. Davis,  
Rodriguez

1 nay — Zedler

1 absent — Hartnett

WITNESSES: For — (*Registered, but did not testify*: Cile Holloway, Skip Trimble,  
Texas Humane Legislation Network; Nicole Paquette, Humane Society of  
the United States)

Against — None

BACKGROUND: Health and Safety Code, sec. 823.001 defines “animal shelter” as a facility  
that keeps or legally impounds stray, homeless, abandoned, or unwanted  
animals.

DIGEST: HB 1103 would require a judge to impose a payment of \$100 to the local  
animal shelter from a person convicted of and given community  
supervision for:

- cruelty to a livestock animal;
- attack on an assistance animal;
- cruelty to a nonlivestock animal; or
- dog fighting.

The judge would be required to designate for payment the animal shelter  
nearest to where the offense occurred that received federal, state, county,  
or municipal funds and served the county in which the court was located.

The bill would take effect September 1, 2011.

**SUPPORTERS  
SAY:**

HB 1103 would send a strong message against animal cruelty and would make those who engage in it take responsibility for costs associated with the crime. Animals confiscated in animal cruelty cases often are placed in local animal shelters for care and rehabilitation. Requiring a person convicted of animal cruelty to accept responsibility for these consequences would be appropriate at a time when so many animal shelters across Texas are underfunded. At this difficult financial time, every dollar counts, and with about 25 percent of animal cruelty cases ending in conviction, the Legislature can make a difference at no cost to the state.

A number of fees already are charged upon conviction, so collecting these fees would not be a burden on local government probation officers. In fact, one of the fees charged on conviction goes toward victims' services for crimes against people. HB 1103 would create a type of victims' services fee for crimes against animals.

**OPPONENTS  
SAY:**

HB 1103 would impose an illegal penalty, not a fee, and discretion should be left to the judge on the penalty. The overall fees likely to be generated would be so small as to not warrant the cost of implementation.

**OTHER  
OPPONENTS  
SAY:**

HB 1103 has the right intent, but a judge should be able to give the \$100 fee to local 501(c)(3) animal shelters or rescue groups that would save and take care of animals. HB 1103 might result in the funding of animal shelters that would kill animals, which would not send the right message to a person convicted of animal cruelty.