

- SUBJECT:** Creating a criminal offense for damage to agricultural facilities
- COMMITTEE:** Agriculture and Livestock — favorable, without amendment
- VOTE:** 7 ayes — Burns, Anderson, Bailes, Cole, Cyrier, Herrero, Toth
0 nays
2 absent — Guillen, Rosenthal
- WITNESSES:** For — J.C. Essler, Texas Poultry Federation; (*Registered, but did not testify*: Peyton Schumann, Texas and Southwestern Cattle Raisers Association; Shayne Woodard, Texas Association of Dairymen; Joe Morris, Texas Beekeepers Association; J. Pete Laney, Texas Citrus Mutual; Joy Davis, Texas Farm Bureau; Rob Hughes, Texas Forestry Association)

Against — Judith McGeary, Farm and Ranch Freedom Alliance; Marie Camino, Mercy For Animals; Katy Fendrich-Turner, The Hailey Foundation; (*Registered, but did not testify*: Luke Metzger, Environment Texas; Cyrus Reed, Lone Star Chapter Sierra Club; Adrian Shelley, Public Citizen; Lauren Loney, The Humane Society of the United States; Liz Carrasco
- BACKGROUND:** Concerns have been raised regarding recent actions by individuals entering agricultural facilities without the consent of facility owners and operators that have resulted in damage and destruction of livestock and facilities and pose a threat to the safety of the state's food supply from disease and contamination.
- DIGEST:** **Criminal offense.** HB 1480 would establish that a person committed a criminal offense if the person:
- intentionally released, stole, destroyed, or otherwise caused the loss of an animal or crop from an animal or crop facility without the consent of the owner or operator of the animal or crop facility;

- damaged, vandalized, or stole any property on or from an animal or crop facility;
- broke and entered into an animal or crop facility with the intent to destroy or alter records, data, materials, equipment, animals, or crops;
- knowingly obtained control by theft or deception or exerted unauthorized control over any materials, equipment, animals, or crops of an animal or crop facility for the purpose of depriving the owner or operator of the facility or the facility of materials, equipment, animals, or crops; or
- entered or remained on an animal or crop facility with the intent to commit an act prohibited under the bill.

Such actions would not constitute an offense under the bill if the actor caused a loss to the animal or crop facility of less than \$500. An offense under the bill would be a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2000) if the actor caused a loss of between \$500 and \$2,500 or a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) if the actor caused a loss of more than \$2,500.

A person who engaged in conduct constituting an offense under the bill that also constituted an offense under other law could be prosecuted under either law or both, except that a person whose conduct constituted an offense under certain provisions related to criminal mischief or theft could be prosecuted only under those provisions.

Mandatory restitution. HB 1480 also would require a court to order a defendant convicted of a criminal 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 loss caused by the defendant. After considering the defendant's financial circumstances, the court would be required to specify in a restitution order the manner in which the defendant would have to pay the restitution. The restitution order could be enforced 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. A victim could recover court costs and reasonable attorney's fees incurred in

enforcing a restitution order. The court could hold a hearing, make findings of fact, and amend the restitution order if the defendant failed to pay the victim in the manner specified by the court.

Injunctive relief. The owner or operator of an animal or crop facility could bring an action for injunctive relief against a person who engaged or threatened to engage in conduct constituting an offense under the bill's provisions. The action could be brought in a district court in a county in which any part of the conduct or threatened conduct occurred. The court could grant any appropriate injunctive relief to prevent or abate the conduct or threatened conduct.

The bill would take effect September 1, 2021.