

## **BILL ANALYSIS**

Senate Research Center

S.B. 279  
By: Patterson  
Criminal Justice  
1-31-97  
As Filed

### **DIGEST**

Currently, Texas law does not require a person who is in possession of a horse to prove ownership of the horse. This enables thieves to sell stolen horses at auction houses, slaughterhouses, or privately with little fear of criminal prosecution. Even if the horse is properly identified, there are many auction houses and slaughterhouses that do not make any inspection of these markings. This bill will create programs for the prevention of horse theft, provide regulations for the identification and slaughter of horses, and make horse theft a second degree felony.

### **PURPOSE**

As proposed, S.B. 279 creates training programs to promote the prevention of horse theft for horse owners and law enforcement agencies that investigate horse thefts, sets forth guidelines for identifying horses, provides regulations for the slaughter of horses, and makes horse theft a second degree felony.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Title 6B, Agriculture Code, by adding Chapter 151, as follows:

#### **CHAPTER 151. PREVENTION AND INVESTIGATION OF HORSE THEFT**

Sec. 151.001. TRAINING PROGRAM FOR HORSE OWNERS. Requires the Texas Agricultural Extension Service (TAES) to develop an ongoing training program for horse owners to promote the prevention of horse theft. Requires the program to include certain information. Requires a county office of the TAES to periodically notify horse owners of the training program through public service announcements or other means.

Sec. 151.002. TRAINING PROGRAM FOR LAW ENFORCEMENT AGENCIES. Requires a state, county, or local law enforcement agency with responsibility for investigating horse thefts to provide certain training for its employees likely to handle horse theft cases. Requires state, county, and local law enforcement agencies, to the greatest extent possible, to use the Texas Crime Information Center and the National Crime Information Center in reporting and investigating horse thefts.

SECTION 2. Amends Section 144.001, Agriculture Code, to authorize a person who owns a horse to have and use one or more of certain methods to identify a horse.

SECTION 3. Amends Section 144.002, Agriculture Code, to make a conforming change.

SECTION 4. Amends Section 144.041, Agriculture Code, to require a person who owns a horse to record an identification mark authorized by Section 144.001(b) with the county clerk of the county in which the animal is located. Makes conforming changes.

SECTION 5. Amends Section 144.102, Agriculture Code, to make a conforming change.

SECTION 6. Amends Section 146.052(b), Agriculture Code, to make a conforming change.

SECTION 7. Amends Section 148.011(c), Agriculture Code, to require a slaughterer to preserve the record of livestock purchased or slaughtered for at least two years, rather than one year.

SECTION 8. Amends Sections 148.012(c) and (d), Agriculture Code, to make conforming changes.

SECTION 9. Amends Chapter 148C, Agriculture Code, by adding Sections 148.029 and 148.030, as follows:

Sec. 148.029. FEE FOR HORSES SOLD TO SLAUGHTERER. Requires a slaughterer to pay certain fees for each horse purchased for slaughter. Requires the slaughterer to remit the fees required by Subsection (a) on a weekly basis. Authorizes all fees received under Subsection (a)(2) to be used only in administering the inspection required under Section 148.030. Requires all fees received by TAES under this section to be deposited in a special account in the general revenue fund that may be appropriated only to TAES for the training programs on horse theft under Chapter 151.

Sec. 148.030. INSPECTION OF HORSES SOLD THROUGH CERTAIN SLAUGHTERHOUSES. Authorizes the department, agency, or association authorized to inspect livestock under 7 U.S.C. Section 217a to inspect for identification purposes each horse held, handled, purchased, or sold through a slaughterhouse producing horse meat for export for human consumption under the federal inspection program regulated under the Packers and Stockyards Act, 1921, 7 U.S.C. Chapter 9.

SECTION 10. Amends Section 31.03(e), Penal Code, to provide that a person commits a felony of the second degree if the person steals one or more head of horses having a value of less than \$200,000. Makes conforming changes.

SECTION 11. Makes application of this Act prospective.

SECTION 12. Effective date: September 1, 1997.

SECTION 13. Emergency clause.