

BILL ANALYSIS

Senate Research Center

H.B. 653
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Criminal Justice
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Engrossed

This analysis is based on the House Committee Report, which is the most recent version available to the Senate Research Center.

BACKGROUND AND PURPOSE

Texans have become increasingly concerned with cases of cruel and violent acts perpetrated on innocent pets and animals. Research has confirmed a correlation between violence against animals and violence toward humans. In one case of animal cruelty, the prosecutor pressed felony charges of theft instead of animal cruelty because current law only provides for a misdemeanor for an offense of animal cruelty. Such penalties may not be sufficient to deter future offenses of animal cruelty. H.B. 653 modifies the penalties for such offenses.

RULEMAKING AUTHORITY

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

SECTION BY SECTION

H.B. 653 amends the Penal Code to provide that a person commits an offense of animal cruelty if the person acts with criminal negligence, rather than with intent or knowledge, except that a person commits an offense if the person intentionally or knowingly tortures or overworks an animal or kills, injures, or administers poison to certain animals belonging to another without legal authority or the owner's effective consent. The bill also provides that the punishment for an offense of animal cruelty committed with criminal negligence is a state jail felony if the person has previously been convicted one time, rather than two times, and that an offense committed intentionally or knowingly is a state jail felony, except that such an offense is a third degree felony if the person has previously been convicted two times for animal cruelty. H.B. 653 provides that it is an exception to the application of these provisions that the conduct engaged in by the actor is a generally accepted and otherwise lawful use of an animal if that use occurs solely for the purpose of fishing, hunting, trapping, or wildlife control or as an animal husbandry or farming practice involving livestock.

Effective date: September 1, 2001.