

## **BILL ANALYSIS**

Senate Research Center  
81R1463 KKA-D

H.B. 853  
By: Laubenberg et al. (Uresti)  
Criminal Justice  
5/20/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Victims of domestic violence often refuse to leave an unsafe environment out of concern for a pet they would have to leave behind, and in cases where victims do leave they often leave in such a hurry they are unable to take their pets with them. Often, perpetrators of domestic violence threaten or harm pets as a means to intimidate and gain leverage over their victims.

Pets are deemed property under current law, and because of that judges cannot order a person to abstain from killing, injuring, or threatening family pets. The most a judge can do is award possession of family pets to the abused party. This is, however, frustrated by the fact that many victims fleeing an abusive situation have nowhere to go other than a shelter or other environment where animals are not allowed.

H.B. 853 amends current law relating to inclusion of pets and other companion animals in protective orders and provides penalties.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 85.021, Family Code, as follows:

Sec. 85.021. REQUIREMENTS OF ORDER APPLYING TO ANY PARTY.  
Authorizes the court, in a protective order, to prohibit a party from removing a pet, companion animal, or assistance animal, as defined by Section 121.002 (Definitions), Human Resources Code, from the possession of a person named in the order.

SECTION 2. Amends Section 85.022(b), Family Code, as amended by Chapters 23 (S.B. 199) and 91 (S.B. 68), Acts of the 77th Legislature, Regular Session, 2001, as follows:

(b) Authorizes the court, in a protective order, to prohibit the person found to have committed family violence from harming, threatening, or interfering with the care custody, or control of a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code, that is possessed by a person protected by an order or by a member of the family or household of a person protected by an order.  
Makes nonsubstantive changes.

SECTION 3. Reenacts Section 25.07(a), Penal Code, as amended by Chapters 66 (S.B. 584) and 1113 (H.B. 3692), Acts of the 80th Legislature, Regular Session, 2007, and amends it as follows:

(a) Provides that a person commits an offense if, in violation of a condition of bond set in a family violence case and related to the safety of the victim or the safety of the community, an order issued under Article 17.292 (Magistrate's Order for Emergency Protection), Code of Criminal Procedure, an order issued under Section 6.504 (Protective Orders), Family Code, Chapter 83 (Temporary Ex Parte Orders), Family Code, if the temporary ex parte order has been served on the person, or Chapter 85 (Issuance of Protective Order), Family Code, or an order issued by another jurisdiction as provided by Chapter 88 (Uniform Interstate Enforcement of Protective Orders Act), Family Code, the

person knowingly or intentionally harms, threatens, or interferes with the care, custody, or control of a pet, companion animal, or assistance animal that is possessed by a person protected by the order. Makes nonsubstantive changes.

SECTION 4. Amends Section 25.07(b), Penal Code, by adding Subdivision (3) to define "assistance animal."

SECTION 5. Effective date: September 1, 2009.