

BILL ANALYSIS

Senate Research Center
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S.B. 554
By: Whitmire
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, no law exists that provides that it is a criminal offense to possess dog-fighting equipment.

As proposed, S.B. 554 amends Section 42.10 (Dog Fighting), Penal Code, to make it a Class A misdemeanor to own or possess dog-fighting equipment. It also establishes, under Chapter 59 (Forfeiture of Contraband), Code of Criminal Procedure, that such equipment and property where dogs are found to be engaged in dog fighting is contraband and is subject to forfeiture. S.B. 554 also makes the offenses under Section 42.10 subject to the elevated penalties authorized in Section 71.02(a), Penal Code, to deter organized criminal activity.

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 Sections 42.10(a), (b), and (e), Penal Code, as follows:

- (a) Provides that a person commits an offense if the person intentionally or knowingly engages in certain behaviors, including owning or possessing dog-fighting equipment with the intent that the equipment be used to train a dog for dog fighting or in furtherance of dog fighting. Makes nonsubstantive changes.
- (b) Defines "dog-fighting equipment." Makes nonsubstantive changes.
- (e) Provides that an offense under Subsections (a)(4) (relating to owning or possessing dog-fighting equipment), (5) (relating to owning or training a dog for certain purposes), or (6) (relating to attending as a spectator a dog fighting exhibition) is a Class A misdemeanor. Makes nonsubstantive changes.

SECTION 2. Amends Section 71.02(a), Penal Code, to provide that a person commits an offense if, with the intent to establish, maintain, or participate in a combination or in the profits of a combination or as a member of a criminal street gang, he commits or conspires to commit one or more of certain criminal actions, including any offense under Section 42.10 (Dog Fighting). Makes nonsubstantive changes.

SECTION 3. Amends and reenacts Article 59.01(2), Code of Criminal Procedure, as amended by Chapters 127 (S.B. 1694), 822 (H.B. 73), and 885 (H.B. 2278), Acts of the 80th Legislature, Regular Session, 2007, to redefine "contraband." Makes nonsubstantive changes.

SECTION 4. Amends Chapter 59, Code of Criminal Procedure, by adding Article 59.011, as follows:

Art. 59.011. Authorizes the attorney representing the state, if property described by Article 59.01(2)(B)(x) is subject to forfeiture under this chapter and Article 18.18 (Disposition of Gambling Paraphernalia, Prohibited Weapon, Criminal Instrument, and Other Contraband), to proceed under either provision.

SECTION 5. Makes application of this Act prospective. Provides that for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 6. Effective date: September 1, 2009.