

Chapter 576

S.B. No. 762

AN ACT

relating to the prosecution of offenses involving cruelty to animals; increasing a criminal penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 42.092, Penal Code, is amended by amending Subsection (c) and adding Subsections (c-1) and (c-2) to read as follows:

(c) An offense under Subsection (b)(3), (4), (5), (6), or (9) is a Class A misdemeanor, except that the offense is a state jail felony if the person has previously been convicted two times under this section, two times under Section 42.09, or one time under this section and one time under Section 42.09.

(c-1) An offense under Subsection (b)(1) or (2) is a felony of the third degree, except that the offense is a felony of the second degree if the person has previously been convicted under Subsection (b)(1), (2), (7), or (8) or under Section 42.09.

(c-2) An offense under Subsection (b)(7) or (8) is a state jail felony, except that the offense is a felony of the third degree if the person has previously been convicted [two times] under this section[~~, two times under Section 42.09,~~] or [~~one time under this section and one time~~] under Section 42.09.

SECTION 2. Section 821.023(b), Health and Safety Code, is repealed.

SECTION 3. The changes in law made by this Act apply only to

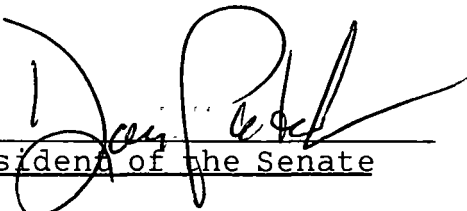
S.B. No. 762

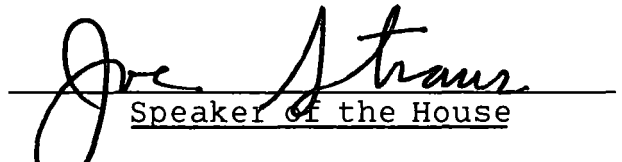
1 an offense committed on or after the effective date of this Act. An
2 offense committed before the effective date of this Act is governed
3 by the law in effect on the date the offense was committed, and the
4 former law is continued in effect for that purpose. For purposes of
5 this section, an offense was committed before the effective date of
6 this Act if any element of the offense occurred before that date.

7 SECTION 4. This Act takes effect September 1, 2017.

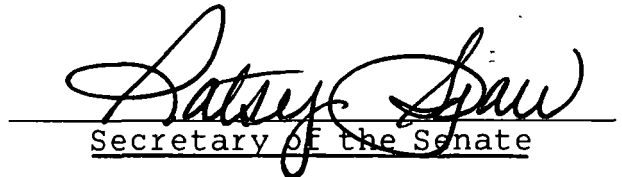
de ac
5/22

S.B. No. 762

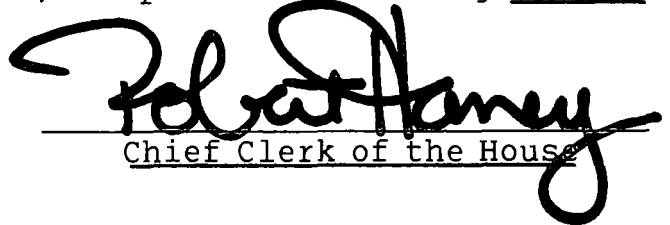

President of the Senate


Speaker of the House

I hereby certify that S.B. No. 762 passed the Senate on May 3, 2017, by the following vote: Yeas 24, Nays 7; May 26, 2017, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 26, 2017, House granted request of the Senate; May 28, 2017, Senate adopted Conference Committee Report by the following vote: Yeas 27, Nays 4. _____

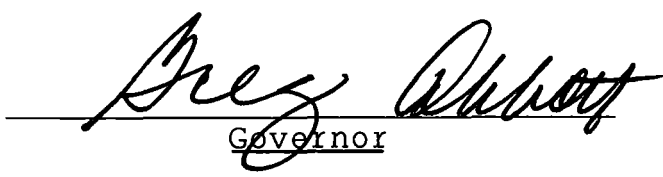

Secretary of the Senate

I hereby certify that S.B. No. 762 passed the House, with amendments, on May 24, 2017, by the following vote: Yeas 126, Nays 20, one present not voting; May 26, 2017, House granted request of the Senate for appointment of Conference Committee; May 28, 2017, House adopted Conference Committee Report by the following vote: Yeas 117, Nays 28, two present not voting. _____

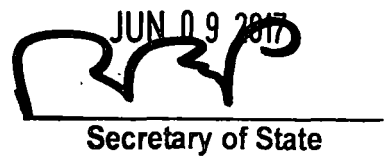

Chief Clerk of the House

Approved:

6-9-2017
Date


Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
7:00 PM O'CLOCK

JUN 09 2017

Secretary of State

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 27, 2017

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB762 by Menéndez (Relating to the prosecution of offenses involving cruelty to animals; increasing a criminal penalty.), **Conference Committee Report**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code as it relates to the prosecution of offenses involving cruelty to animals. Under the provisions of the bill, the number of previous convictions for certain acts of animal cruelty necessary for penalty enhancement would be reduced.

The Office of Court Administration and the Texas Department of Criminal Justice do not anticipate a significant fiscal impact. This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resources.

The bill would take effect September 1, 2017 and apply only to an offense committed on or after the effective date of the Act.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, KJo, LM, RFL, ZB, AG

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 25, 2017

TO: Honorable Dan Patrick, Lieutenant Governor, Senate

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB762 by Menéndez (Relating to the prosecution of offenses involving cruelty to animals; increasing a criminal penalty.), As Passed 2nd House

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code as it relates to the prosecution of offenses involving cruelty to animals. Under the provisions of the bill, the number of previous convictions for certain acts of animal cruelty necessary for penalty enhancement would be reduced. The bill would also remove the penalty enhancement for individuals who commit certain subsequent acts of animal cruelty. The bill would also allow a judge to require the completion of an online responsible pet owner course by certain individuals sentenced to a term of community supervision for certain offenses involving animals.

The Office of Court Administration and the Texas Department of Criminal Justice do not anticipate a significant fiscal impact. The Texas Department of Licensing and Regulation anticipates implementation of the provisions of the bill could be accomplished by utilizing existing resources. This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resources.

The bill would take effect September 1, 2017 and apply only to an offense committed on or after the effective date of the Act.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 452 Department of Licensing and Regulation, 212 Office of Court Administration, Texas Judicial Council, 696 Department of Criminal Justice

LBB Staff: UP, KJo, LM, RFL, ZB, AG, EH, JQ, JGA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 11, 2017

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB762 by Menéndez (Relating to the prosecution of offenses involving cruelty to animals; increasing a criminal penalty.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code as it relates to the prosecution of offenses involving cruelty to animals. Under the provisions of the bill, the number of previous convictions for certain acts of animal cruelty necessary for penalty enhancement would be reduced.

The Office of Court Administration and the Texas Department of Criminal Justice do not anticipate a significant fiscal impact. This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resources.

The bill would take effect September 1, 2017 and apply only to an offense committed on or after the effective date of the Act.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, KJo, LM, RFL, ZB, AG

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 25, 2017

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB762 by Menéndez (Relating to the prosecution of offenses involving cruelty to animals; increasing a criminal penalty.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code as it relates to the prosecution of offenses involving cruelty to animals. Under the provisions of the bill, the number of previous convictions for certain acts of animal cruelty necessary for penalty enhancement would be reduced.

The Office of Court Administration and the Texas Department of Criminal Justice do not anticipate a significant fiscal impact. This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resources. The bill would take effect September 1, 2017 and apply only to an offense committed on or after the effective date of the Act.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, AG, KJo, LM, RFL

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 23, 2017

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB762 by Menéndez (Relating to the prosecution of offenses involving cruelty to animals and to the inclusion of related conduct in the definition of family violence; increasing a criminal penalty.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Family Code and Penal Code as they relate to the prosecution of offenses involving cruelty to animals and to the inclusion of related conduct in the definition of family violence. Under the provisions of the bill, the definition of family violence would be expanded to include certain acts of animal cruelty involving family or other related persons. The bill would also reduce the number of previous convictions for certain acts of animal cruelty required for penalty enhancement if an individual commits additional offenses related to certain acts of animal cruelty.

The Office of Court Administration and the Texas Department of Criminal Justice do not anticipate a significant fiscal impact. This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resources.

The bill would take effect September 1, 2017 and apply only to an offense committed on or after the effective date of the Act.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 696
Department of Criminal Justice

LBB Staff: UP, AG, LM, RFL, KJo, JGA

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

CRIMINAL JUSTICE IMPACT STATEMENT

85TH LEGISLATIVE REGULAR SESSION

May 27, 2017

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB762 by Menéndez (Relating to the prosecution of offenses involving cruelty to animals; increasing a criminal penalty.), **Conference Committee Report**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend the Penal Code as it relates to the prosecution of offenses involving cruelty to animals. Under the provisions of the bill, the number of previous convictions for certain acts of animal cruelty necessary for penalty enhancement would be reduced. The punishment for certain acts of animal cruelty would range from a misdemeanor to a felony with the punishment level based on the specific circumstances of the offense.

A second degree felony is punishable by confinement in prison for a term from 2 to 20 years; a third degree felony is punishable by confinement in prison for a term from 2 to 10 years; and a state jail felony is punishable by confinement in a state jail for a term from 180 days to 2 years or Class A misdemeanor punishment. In addition to confinement, most felony offenses are subject to an optional fine not to exceed \$10,000.

Decreasing the number of previous convictions required for penalty enhancement for any criminal offense is expected to result in greater demands on the correctional resources of the counties or of the State due to a potential increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement within state correctional institutions. In fiscal year 2016, 149 individuals were arrested, 43 were placed under felony community supervision, and 22 were admitted into state correctional institutions for offenses related to certain acts of animal cruelty under existing statute. After reviewing the previous conviction history for those individuals placed under felony community supervision or admitted into state correctional institutions for certain acts of animal cruelty, this analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resources.

Source Agencies:

LBB Staff: UP, KJo, LM, RFL

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

CRIMINAL JUSTICE IMPACT STATEMENT

85TH LEGISLATIVE REGULAR SESSION

May 25, 2017

TO: Honorable Dan Patrick, Lieutenant Governor, Senate

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB762 by Menéndez (Relating to the prosecution of offenses involving cruelty to animals; increasing a criminal penalty.), **As Passed 2nd House**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend the Penal Code as it relates to the prosecution of offenses involving cruelty to animals. Under the provisions of the bill, the number of previous convictions for certain acts of animal cruelty necessary for penalty enhancement would be reduced. The punishment for these acts of animal cruelty would range from a state jail to a third degree felony with the punishment level based on the specific circumstances of the offense. The bill would also remove the penalty enhancement for individuals who commit certain subsequent acts of animal cruelty.

A third degree felony is punishable by confinement in prison for a term from 2 to 10 years; and a state jail felony is punishable by confinement in a state jail for a term from 180 days to 2 years or Class A misdemeanor punishment. In addition to confinement, most felony offenses are subject to an optional fine not to exceed \$10,000.

Decreasing the number of previous convictions required for penalty enhancement is expected to result in greater demands on the correctional resources of the counties or of the State due to a potential increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement within state correctional institutions. In fiscal year 2016, 149 individuals were arrested, 43 were placed under felony community supervision, and 22 were admitted into state correctional institutions for offenses related to certain acts of animal cruelty under existing statute. After reviewing the previous conviction history for those individuals placed under community supervision or admitted into state correctional institutions for certain acts of animal cruelty, this analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resources. Under the provisions of the bill, individuals who commit certain subsequent acts of animal cruelty would no longer be subject to penalty enhancement. Data collected at the statewide level do not contain the detail necessary to isolate these individuals from all other individuals arrested, placed under community supervision, and admitted into state correctional institutions for these acts of animal cruelty from all acts of animal cruelty. However, this analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resource.

Source Agencies:

LBB Staff: UP, LM, RFL

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

85TH LEGISLATIVE REGULAR SESSION

May 11, 2017

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB762 by Menéndez (Relating to the prosecution of offenses involving cruelty to animals; increasing a criminal penalty.), **As Engrossed**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend the Penal Code as it relates to the prosecution of offenses involving cruelty to animals. Under the provisions of the bill, the number of previous convictions for certain acts of animal cruelty necessary for penalty enhancement would be reduced if an individual commits additional offenses related to certain acts of animal cruelty. The punishment for certain acts of animal cruelty would range from a misdemeanor to a felony with the punishment level based on the specific circumstances of the offense.

A second degree felony is punishable by confinement in prison for a term from 2 to 20 years; a third degree felony is punishable by confinement in prison for a term from 2 to 10 years; and a state jail felony is punishable by confinement in a state jail for a term from 180 days to 2 years or Class A misdemeanor punishment. In addition to confinement, most felony offenses are subject to an optional fine not to exceed \$10,000.

Decreasing the number of previous convictions required for penalty enhancement for any criminal offense is expected to result in greater demands on the correctional resources of the counties or of the State due to a potential increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement within state correctional institutions. In fiscal year 2016, 149 individuals were arrested, 43 were placed under felony community supervision, and 22 were admitted into state correctional institutions for offenses related to certain acts of animal cruelty under existing statute. After reviewing the previous conviction history for those individuals placed under felony community supervision or admitted into state correctional institutions for certain acts of animal cruelty, this analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resources.

Source Agencies:

LBB Staff: UP, LM, RFL

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

CRIMINAL JUSTICE IMPACT STATEMENT

85TH LEGISLATIVE REGULAR SESSION

April 25, 2017

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB762 by Menéndez (Relating to the prosecution of offenses involving cruelty to animals; increasing a criminal penalty.), **Committee Report 1st House, Substituted**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend the Penal Code as it relates to the prosecution of offenses involving cruelty to animals. Under the provisions of the bill, the number of previous convictions for certain acts of animal cruelty necessary for penalty enhancement would be reduced if an individual commits additional offenses related to certain acts of animal cruelty. The punishment for certain acts of animal cruelty would range from a misdemeanor to a felony with the punishment level based on the specific circumstances of the offense.

A second degree felony is punishable by confinement in prison for a term from 2 to 20 years; a third degree felony is punishable by confinement in prison for a term from 2 to 10 years; and a state jail felony is punishable by confinement in a state jail for a term from 180 days to 2 years or Class A misdemeanor punishment. In addition to confinement, most felony offenses are subject to an optional fine not to exceed \$10,000.

Decreasing the number of previous convictions required for penalty enhancement for any criminal offense is expected to result in greater demands on the correctional resources of the counties or of the State due to a potential increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement within state correctional institutions. In fiscal year 2016, 676 individuals were arrested, 220 were placed under community supervision, and 27 were admitted into state correctional institutions for offenses related to certain acts of animal cruelty under existing statute. After reviewing the previous conviction history for those individuals placed under community supervision or admitted into state correctional institutions for certain acts of animal cruelty, this analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resources.

Source Agencies:

LBB Staff: UP, LM, RFL

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

CRIMINAL JUSTICE IMPACT STATEMENT

85TH LEGISLATIVE REGULAR SESSION

April 23, 2017

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB762 by Menéndez (Relating to the prosecution of offenses involving cruelty to animals and to the inclusion of related conduct in the definition of family violence; increasing a criminal penalty.), **As Introduced**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend the Family Code and Penal Code as they relate to the prosecution of offenses involving cruelty to animals and to the inclusion of related conduct in the definition of family violence. Under the provisions of the bill, the definition of family violence would be expanded to include certain acts of animal cruelty involving family or other related persons. The bill would also reduce the number of previous convictions for certain acts of animal cruelty required for penalty enhancement if an individual commits additional offenses related to certain acts of animal cruelty. The punishment for certain acts of animal cruelty would range from a misdemeanor to a felony with the punishment level based on the specific circumstances of the offense.

A first degree felony is punishable by confinement in prison for life or a term from 5 to 99 years; a second degree felony for a term from 2 to 20 years; a third degree felony for a term from 2 to 10 years; and a state jail felony is punishable by confinement in a state jail for a term from 180 days to 2 years or Class A misdemeanor punishment. In addition to confinement, most felony offenses are subject to an optional fine not to exceed \$10,000.

Decreasing the number of previous convictions required for penalty enhancement for any criminal offense is expected to result in greater demands on the correctional resources of the counties or of the State due to a potential increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement within state correctional institutions. In fiscal year 2016, 676 individuals were arrested, 220 were placed under community supervision, and 27 were admitted into state correctional institutions for offenses related to certain acts of animal cruelty under existing statute. After reviewing the previous conviction history for those individuals placed under community supervision or admitted into state correctional institutions for certain acts of animal cruelty, this analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resources.

Source Agencies:

LBB Staff: UP, LM, RFL