

AN ACT

relating to prohibiting an attack on an assistance animal; creating an offense.

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

SECTION 1. Section 121.003(j), Human Resources Code, is amended to read as follows:

(j) A person may not assault, harass, interfere with, kill, or injure in any way, or attempt to assault, harass, interfere with, kill, or injure in any way, an assistance animal.

SECTION 2. Chapter 42, Penal Code, is amended by adding Section 42.091 to read as follows:

Sec. 42.091. ATTACK ON ASSISTANCE ANIMAL. (a) A person commits an offense if the person intentionally, knowingly, or recklessly attacks, injures, or kills an assistance animal.

(b) A person commits an offense if the person intentionally, knowingly, or recklessly incites or permits an animal owned by or otherwise in the custody of the actor to attack, injure, or kill an assistance animal and, as a result of the person's conduct, the assistance animal is attacked, injured, or killed.

(c) An offense under this section is a:

(1) Class A misdemeanor if the actor or an animal owned by or otherwise in the custody of the actor attacks an assistance animal;

(2) state jail felony if the actor or an animal owned

1 by or otherwise in the custody of the actor injures an assistance  
2 animal; or

3 (3) felony of the third degree if the actor or an  
4 animal owned by or otherwise in the custody of the actor kills an  
5 assistance animal.

6 (d) A court shall order a defendant convicted of an offense  
7 under Subsection (a) to make restitution to the owner of the  
8 assistance animal for:

9 (1) related veterinary or medical bills;

10 (2) the cost of:

11 (A) replacing the assistance animal; or

12 (B) retraining an injured assistance animal by an  
13 organization generally recognized by agencies involved in the  
14 rehabilitation of persons with disabilities as reputable and  
15 competent to provide special equipment for or special training to  
16 an animal to help a person with a disability; and

17 (3) any other expense reasonably incurred as a result  
18 of the offense.

19 (e) In this section:

20 (1) "Assistance animal" has the meaning assigned by  
21 Section 121.002, Human Resources Code.

22 (2) "Custody" has the meaning assigned by Section  
23 42.09.

24 SECTION 3. This Act takes effect September 1, 2003.

David Swinhart

President of the Senate

Jim Cullin

Speaker of the House

I certify that H.B. No. 2881 was passed by the House on May 2, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 2881 on May 30, 2003, by a non-record vote.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 2881 was passed by the Senate, with amendments, on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Datsy Graw

Secretary of the Senate

APPROVED:

20 JUN '03

Date

Rick Perry  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
10:30 PM O'CLOCK

June Shea  
Secretary of State