

## **BILL ANALYSIS**

H.B. 1480  
By: Cyrier  
Agriculture & Livestock  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Concerns have been raised regarding the recent actions of individuals who have entered several agricultural facilities without the consent of the facility owner or operator in an effort to gain attention and promote themselves, which has resulted in damage and destruction to livestock and facilities. Additionally, there is concern that these actions pose a threat to the safety of Texans' food supply with respect to disease and contamination. H.B. 1480 seeks to address these concerns and provide for the protection of animal and crop facilities and for the creation of a criminal offense.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 1480 amends the Agriculture Code to create an offense for a person who does the following:

- intentionally releases, steals, destroys, or otherwise causes the loss of an animal or crop from an animal or crop facility without the consent of the facility's owner or operator;
- damages, vandalizes, or steals any property on or from an animal or crop facility;
- breaks and enters into an animal or crop facility with the intent to destroy or alter records, data, materials, equipment, animals, or crops;
- knowingly obtains control by theft or deception or exerts unauthorized control over any materials, equipment, animals, or crops of an animal or crop facility for the purpose of depriving the facility's owner or operator or the facility of materials, equipment, animals, or crops; or
- enters or remains on an animal or crop facility with the intent to commit any of this prohibited conduct.

H.B. 1480 defines "animal," "crop," and "animal or crop facility" for purposes of its provisions and, with respect to the aforementioned conduct and the resulting offenses, establishes the following:

- the conduct does not constitute an offense if the actor causes a loss to the animal or crop facility in an amount less than \$500;
- it is a Class B misdemeanor if the loss amounts to at least \$500 but not more than \$2,500 and a Class A misdemeanor if the loss amounts to more than \$2,500;

- if conduct that constitutes an offense under the bill's provisions also constitutes an offense under another provision of law, the actor may be prosecuted under either the bill's provisions or the other provision; and
- if conduct that constitutes an offense under the bill's provisions also constitutes a Penal Code criminal mischief or theft felony, the actor may be prosecuted only under the respective Penal Code provision.

H.B. 1480 requires the court to order a defendant convicted of an offense under the bill's provisions to pay restitution to the owner or operator of the animal or crop facility in an amount equal to the amount of the loss caused by the actor, including the value of any animal or crop damaged, destroyed, or lost. The bill provides the following regarding a restitution order and its enforcement:

- the court, after considering the defendant's financial circumstances, must specify in the order the manner in which the defendant must pay the restitution;
- a restitution order may be enforced by the state or a victim named in the order to receive the restitution in the same manner as a judgment in a civil action;
- a victim may recover court costs and reasonable attorney's fees incurred in enforcing the order; and
- the court may hold a hearing, make findings of fact, and amend a restitution order if the defendant fails to pay the victim named in the order in the manner specified by the court.

H.B. 1480 authorizes the owner or operator of an animal or crop facility to bring an action for injunctive relief against a person who engages or threatens to engage in conduct that constitutes an offense under the bill's provisions and establishes venue for the action in a district court in a county in which any part of the conduct or threatened conduct occurs. The court may grant any appropriate injunctive relief to prevent or abate the conduct or threatened conduct, including a temporary restraining order, temporary injunction, or permanent injunction.

**EFFECTIVE DATE**

September 1, 2021.