

- SUBJECT:** Including pets and other companion animals in protective orders
- COMMITTEE:** Judiciary and Civil Jurisprudence — favorable, without amendment
- VOTE:** 7 ayes — Hunter, Alonzo, Branch, Hartnett, Madden, Martinez, Woolley  
0 nays  
4 absent — Hughes, Jackson, Leibowitz, Lewis
- WITNESSES:** For — John Browning, Texas Federation of Animal Care Societies; Katherine Kinser, Texas Family Law Foundation; Craig Pardue, Dallas County; (*Registered, but did not testify:* Zandra Anderson, Texas Dog Commission Responsible Pet Owner's Alliance; James Bias, SPCA of Texas; Sherry Ferguson, Joseph Guerra, Timothy Harkness, Houston Humane Society; Cile Holloway, Texas Humane Legislation Network; Joanne Jackson, Citizens for Animal Protection, Houston; Christine Kendrick, Harris County Precinct 1 Constable; Mary Lowry, Texas Council on Family Violence; Jewell Maida, Texas Humane Legislation Network; Patt Nordyke, Texas Federation of Animal Care Societies; Jay Sabatucci, Texas Animal Control Association; Erica Andarza; Martha Beard-Duncan; Bronwyn Blake; Rick Bousquet; Heather Busby; Kirsha Haverlah; Blair Hodgkins; Renee Hopper; Angela Lee; Bliss Scharfenberger; Rachel Sonstein)  
  
Against — None
- BACKGROUND:** When an actor commits an offense involving family violence against another, the aggrieved party may request a protective order from a court. A protective order may set various restrictions on an offending actor, such as limiting right to access or contact the aggrieved party or members of the party's household or family.  
  
If a court in a protective order hearing finds that family violence has occurred and is likely to occur in the future, the court must issue a protective order applying to the person who committed family violence. At the court's discretion, it may also issue a protective order applying to both parties if the court finds that doing so would be in the best interest of the person or the family of the person protected by the order

DIGEST:

HB 853 would authorize a court to issue a protective order prohibiting a party that had committed family violence from harming, threatening, or otherwise interfering with the care, custody, or control of a pet, companion animal, or assistance animal in possession of the person protected by the order or in possession of a family member of that person. The bill would create a corresponding criminal offense under Penal Code, sec. 25.07 for knowingly or intentionally violating this provision. An offense would be class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000), except that the offense would be a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000) if the offender previously had been convicted two or more times of an offense under sec. 25.07 or had violated the protective order by committing an assault or the offense of stalking.

In circumstances where a court issued a protective order applying to both persons in the proceeding, rather than just the person who committed family violence, HB 853 would authorize the court to prohibit either person from removing a pet, companion animal, or assistance animal from the possession of a person named in the order.

The bill would take effect September 1, 2009.

SUPPORTERS  
SAY:

HB 853 would help protect pets and people alike by expanding the range of malicious behavior subject to prohibition in a protective order. A growing body of evidence points to a strong correlation between acts of family violence and cruelty towards animals, a link that stems from an abusive actor's desire to control the behavior of another person. A determined abuser will exploit the attachment between an animal and a human victim in order to prevent the victim from leaving the abuser, usually by threats or even actual violence against the animal. These acts sometimes take place in front of children. Since many shelters for victims of family violence do not allow pets, a victim often faces a stark dilemma — escape to a shelter and leave behind a beloved pet in possession of an abuser or jeopardize the victim's own safety by returning to a dangerous, abusive relationship.

As long as the law provides no protection for family pets, abusers will continue to have a powerful, coercive means of controlling their victims. HB 853 would empower a court to prohibit this coercion and give family violence victims and their pets additional protection from abusive actors,

an approach taken by at least 11 states that have enacted similar protections.

The scope of the bill is tailored narrowly to situations involving family violence. It would not create any independent rights for animals, nor would it apply to farm animals.

OPPONENTS  
SAY:

No apparent opposition.

NOTES:

The companion bill, SB 1840 by Uresti, was reported favorably, without amendment, by the Senate Criminal Justice Committee on April 28.