

BILL ANALYSIS

Senate Research Center
77R6167 KEL-D

S.B. 1724
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Criminal Justice
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As Filed

DIGEST AND PURPOSE

Numerous studies have shown a link between animal cruelty and more violent and destructive behavior, particularly upon children and spouses. As proposed, S.B. 1724 amends the Penal Code by increasing the penalty for acts of cruelty to animals from a Class A misdemeanor to a state jail felony. The bill further provides that a person who has been previously convicted twice commits a felony of the third degree if the person is cruel to animals.

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 Section 42.09, Penal Code, by amending Subsections (a), (c), and (d) and adding Subsection (g), as follows:

- (a) Provides that a person commits an offense if with criminal negligence the person performs certain acts. Deletes text regarding knowingly or intentionally.
- (c) Defines “abandon,” “cruel manner,” “custody,” and “necessary food, care, or shelter.”
- (d) Provides that an offense under this section is a state jail felony, rather than Class A misdemeanor, except that the offense is a felony of the third degree, rather than a state jail felony, if the person has previously been convicted two times under this section.
- (g) Provides that it is an exception to the application of this section that the conduct engaged in by the actor is a generally accepted and otherwise lawful regarding use of an animal if that use occurs solely for the purpose of certain criteria.

SECTION 2. Effective date: September 1, 2001.
Makes application of this Act prospective.