

BILL ANALYSIS

Senate Research Center
77R14006 KEL-D

C.S.S.B. 1724
By: Cain
Criminal Justice
5/9/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Numerous studies have shown a link between animal cruelty and more violent and destructive behavior, particularly upon children and spouses. C.S.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 the person intentionally and knowingly performs certain acts.
- (c) Defines “abandon,” “cruel manner,” “custody,” and “necessary food, care, or shelter.”
- (d) Provides that an offense under Subsection (a)(2), (3), (4), (9), or (10), 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.
- (g) Provides that an offense under Subsection (a)(1), (5), (6), (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.
- (h) 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. Amends Chapter 54, Family Code, by adding Section 54.0407, as follows:

Sec. 54.0407. CRUELTY TO ANIMALS: COUNSELING REQUIRED. Requires the juvenile court, under a certain situation, to order the child to participate in psychological counseling for a period to be determined by the court.

SECTION 3. Effective date: September 1, 2001.

Makes application of this Act prospective.

SUMMARY OF COMMITTEE CHANGES

SECTION 1. Amends As Filed S.B. 1724, Section 42.09, Penal Code.

Adds new proposed SECTION 2 (CRUELTY TO ANIMALS: COUNSELING REQUIRED).
Renumbers SECTION 2 as SECTION 3.