

## **BILL ANALYSIS**

Senate Research Center  
86R27224 BEF-D

C.S.S.B. 1884  
By: Kolkhorst  
Agriculture  
4/29/2019  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 1884 makes conduct associated with the destruction, theft, vandalism, or trespass of an agricultural product or facility a criminal offense.

Recently, some people have entered several agricultural facilities without the consent of the owners and operators in an effort to gain attention and promote themselves. This has resulted in the damage and destruction of livestock and facilities.

Specifically, a person commits an offense if they:

- intentionally release, steal, destroy, or otherwise causes the loss of an animal or crop from an animal or crop facility;
- damage, vandalize, or steal any property on or from an animal or crop facility;
- break and enter into an animal or crop facility with the intent to destroy, alter, duplicate, or obtain unauthorized possession of records, data, materials, equipment, animals, or crops;
- knowingly obtain control by theft or deception or exert unauthorized control over any records, data, materials, equipment, animals, or crops of an animal or crop facility for the purpose of depriving the owner or operator of the facility or the facility of records, data, materials, equipment, animals, or crops;
- possess or use records, materials, data, equipment, crops, or animals in any way to copy or reproduce records or data of an animal or crop facility knowing or reasonably believing that the records, data, materials, equipment, animals, or crops have been obtained by theft or deception or without the authorization of the owner or operator of the animal or crop facility; or
- enter or remain on an animal or crop facility with the intent to commit an act prohibited under this section.

The bill contains language making it clear that an offense related to cattle rustling will still be prosecuted under the existing statutes.

These facilities are highly regulated and entrance to and exit from the facility is subject to extensive protocols designed to protect the food supply from disease and contamination. Additionally, people who enter these facilities without adhering to proper protocol often startle the livestock, causing them to panic and die.

The threat to the state's food supply is so great that this conduct necessitates additional criminal penalties beyond existing trespass and vandalism laws. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1884 amends current law relating to the protection of animal and crop facilities, and creates a criminal offense.

## **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 Title 8, Agriculture Code, by adding Chapter 252, as follows:

### CHAPTER 252. ANIMAL AND CROP FACILITIES

Sec. 252.001. DEFINITIONS. Defines "animal," "animal or crop facility," and "crop" for purposes of this chapter.

Sec. 252.002. CRIMINAL OFFENSE. (a) Provides that a person commits an offense if the person:

(1) 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 owner or operator of the animal or crop facility;

(2) damages, vandalizes, or steals any property on or from an animal or crop facility;

(3) breaks and enters into an animal or crop facility with the intent to destroy, alter, duplicate, or obtain unauthorized possession of records, data, materials, equipment, animals, or crops;

(4) knowingly obtains control by theft or deception or exerts unauthorized control over any records, data, materials, equipment, animals, or crops of an animal or crop facility for the purpose of depriving the owner or operator of the facility or the facility of records, data, materials, equipment, animals, or crops;

(5) possesses or uses records, materials, data, equipment, crops, or animals in any way to copy or reproduce records or data of an animal or crop facility knowing or reasonably believing that the records, data, materials, equipment, animals, or crops have been obtained by theft or deception or without the authorization of the owner or operator of the animal or crop facility; or

(6) enters or remains on an animal or crop facility with the intent to commit an act prohibited under this section.

(b) Provides that an offense under this section is a Class A misdemeanor if the actor causes a loss to the animal or crop facility in an amount less than \$250 or a state jail felony if the actor causes a loss to the animal or crop facility in an amount of \$250 or more.

(c) Authorizes a person, except as provided by Subsection (d), if conduct constituting an offense under this section also constitutes an offense under another provision of law, to be prosecuted under either this section or the other provision.

(d) Authorizes an actor, if conduct that constitutes an offense under this section also constitutes a felony under Section 28.03 (Criminal Mischief) or 31.03 (Theft), Penal Code, to be prosecuted only under Section 28.03 or 31.03, Penal Code.

Sec. 252.003. MANDATORY RESTITUTION. (a) Requires the court to order a defendant convicted of an offense under Section 252.002 to pay restitution to the owner or operator of the animal or crop facility in certain amounts.

(b) Requires the court, after considering the financial circumstances of the defendant, to specify in a restitution order issued under Subsection (a) the manner in which the defendant is required to pay the restitution.

(c) Authorizes a restitution order issued under Subsection (a) to 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.

(d) Authorizes the court to hold a hearing, make findings of fact, and amend a restitution order issued under Subsection (a) if the defendant fails to pay the victim named in the order in the manner specified by the court.

Sec. 252.004. INJUNCTIVE RELIEF. (a) 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 Section 252.002.

(b) Authorizes the action to be brought in a district court in a county in which any part of the conduct or threatened conduct occurs.

(c) Authorizes the court to grant any appropriate injunctive relief to prevent or abate the conduct or threatened conduct, including a temporary restraining order, temporary injunction, or permanent injunction.

SECTION 2. Effective date: September 1, 2019.