

BILL ANALYSIS

Senate Research Center
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S.B. 555
By: Davis
Criminal Justice
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Victims of domestic violence often refuse to leave an unsafe environment out of concern for a pet they would have to leave behind. In cases where victims do leave, they often leave in such a hurry that they are unable to take their pets with them. Often, perpetrators of domestic violence threaten or harm pets as a means to intimidate and gain leverage over their victims.

The 82nd Legislature enacted S.B. 279, which allows a judge to prohibit a person from removing a pet, companion animal, or assistance animal from the possession of a party protected by a protective order. Moreover, the judge can prohibit a person from harming, threatening, or interfering with the care, custody, or control of a pet or assistance animal belonging to a person protected by a protective order.

S.B. 555 seeks to clarify current law by amending Sections 85.021 (Requirements of Order Applying to Any Party) and 85.022(b) of the Family Code to better define the authority of the court to prohibit a party from removing an animal from the possession, either actual or constructive, of the person protected by the protective order.

Additionally, S.B. 555 amends Section 25.07 (Violation of Certain Court Orders or Conditions of Bond in a Family Violence Case) of the Penal Code as necessary to expand the definition of "possession" to mean actual or constructive care of an animal.

As proposed, S.B. 555 amends current law relating to provisions in protective orders regarding pets and other companion animals and provides a penalty.

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 85.021, Family Code, to authorize a court in a protective order, to take certain actions, including to prohibit a party from removing a pet, companion animal, or assistance animal, as defined by Section 121.002 (Definitions), Human Resources Code, from the possession or actual or constructive care of a person named in the order.

SECTION 2. Amends Section 85.022(b), Family Code, to authorize the court, in a protective order, to prohibit the person found to have committed family violence from harming, threatening, or interfering with the care, custody, or control of a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code, that is possessed by or is in the actual or constructive care of a person protected by an order or by a member of the family or household of a person protected by an order.

SECTION 3. Amends Section 25.07, Penal Code, by adding Subsection (a-1) to provide that, for purposes of Subsection(a)(5) (relating to an offense committed by a person if the person harms a pet), possession of a pet, companion animal, or assistance animal by a person means actual care, custody, control, or management of a pet, companion animal, or assistance animal by the person

or constructive possession of a pet, companion animal, or assistance animal owned by the person or for which the person has been the primary caregiver.

SECTION 4. Makes application of Sections 85.021 (Requirements of Order Applying to Any Party) and 85.022 (Requirements of Order Applying to Person who Committed Family Violence), Family Code, as amended by this Act, prospective.

SECTION 5. Makes application of Section 25.07 (Violation of Certain Court Orders or Conditions of Bond in a Family Violence Case), Penal Code, as amended by this Act, prospective.

SECTION 6. Effective date: September 1, 2013.