

BILL ANALYSIS

Senate Research Center

H.B. 2817
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Agriculture, Water & Rural Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties contend that criminal penalties for individuals who kill another person's cattle, bison, or horses are inconsistent with similar offenses of parallel magnitude. H.B. 2817 addresses this issue by expanding the conduct that constitutes a third degree felony criminal mischief offense to include such behavior.

H.B. 2817 amends the Penal Code to expand the conduct constituting a third degree felony criminal mischief offense to include conduct in which an actor causes the death of one or more head of cattle or bison or one or more horses by discharging a firearm or other weapon or by any other means.

H.B. 2817 creates an exception to the application of the criminal mischief statute for intentionally or knowingly damaging, destroying, or tampering with the tangible property of the owner when the personal property was a head of cattle or bison killed, or a horse killed, in the course of the actor's regular agricultural labor duties and practices.

H.B. 2817 amends current law relating to the prosecution of and punishment for the offense of criminal mischief involving the death of a head of cattle or bison or a horse.

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 28.03, Penal Code, by amending Subsection (b) and adding Subsection (k), as follows:

(b) Provides that except as provided by Subsections (f) (relating to an offense being a state jail felony if the damage or destruction is inflicted on a certain place) and (h) (relating to an offense being considered a state jail felony if the amount of the pecuniary loss to certain real property or to tangible personal property exceeds a certain amount), an offense under this section (Criminal Mischief) is a felony of the third degree if the actor, by discharging a firearm or other weapon or by any other means, causes the death of one or more head of cattle or bison or one or more horses.

(k) Provides that Subsection (a)(1) (relating to a person committing an offense by knowingly destroying tangible property) or (2) (relating to a person committing an offense by intentionally or knowingly tampering with tangible personal property) does not apply if the tangible personal property of the owner was a head of cattle or bison killed, or a horse killed, in the course of the actor's:

(1) actual discharge of official duties as a member of the United States armed forces or the state military forces as defined by Section 437.001 (Definitions), Government Code; or

(2) regular agricultural labor duties and practices.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2017.