

BILL ANALYSIS

Senate Research Center

S.B. 804
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Criminal Justice
5/7/2019
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Possession bans have proven to be one of the most effective means to ensure that a person convicted of animal cruelty does not reoffend. Along with psychological evaluation and treatment, these sentencing measures can ensure that the root of the issues is addressed, reducing the likelihood of recidivism. Convicted abusers have shown by their actions that they may not be fit to possess or have contact with animals.

Current law allows judges, in the case of community supervision, to prohibit a defendant convicted of bestiality from possessing or exercising control over any animals or residing in a household where animals are present.

S.B. 804 would expand current law authorizing judges to impose a possession ban on offenders convicted of bestiality during community supervision to include other statutory forms of animal cruelty, including cruelty to livestock, assistance animals, non-livestock animals, and dog fighting and cock fighting.

There is a proven cycle of repeat animal cruelty offenders; S.B. 804 can assist judges end this cycle by separating offenders from potential new victims, both animal and human. Both the National Sheriff's Association and the Federal Bureau of Investigation recognize animal cruelty as a reliable indicator of future violence towards people.

S.B. 804 would provide judges and law enforcement with an additional tool to intervene to protect their communities from further crimes against animals and people. Further, by preventing future cruelty to animals, S.B. 804 can help save taxpayer resources by avoiding further trials and incarceration.

As proposed, S.B. 804 amends current law relating to conditions of community supervision for defendants convicted of certain criminal offenses involving 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 Article 42A.511, Code of Criminal Procedure, to authorize a judge, if a judge grants community supervision to a defendant convicted of an offense under Sections 42.09 (Cruelty to Livestock Animals), 42.091 (Attack on Assistance Animal), 42.092 (Cruelty to Nonlivestock Animals), 42.10 (Dog Fighting), and 42.105 (Cockfighting), Penal Code, among other offenses, to require the defendant to meet certain conditions of community supervision.

SECTION 2. Effective date: September 1, 2019.