

BILL ANALYSIS

C.S.H.B. 2311
By: Kacal
Agriculture & Livestock
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that the Texas Animal Health Commission has certain authority to issue quarantine hold orders on certain livestock species in response to animal disease outbreaks. The parties contend that these quarantine hold orders are important tools used to protect the health of livestock herds and that imposing a criminal penalty for ignoring these quarantine hold orders would help encourage all livestock producers to comply with these disease prevention measures. C.S.H.B. 2311 seeks to address this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2311 amends the Agriculture Code to expand the conduct that constitutes the Class C misdemeanor offense involving knowingly failing to handle in accordance with Texas Animal Health Commission rules livestock, exotic livestock, domestic fowl, or exotic fowl infected with certain diseases to include that conduct with respect to livestock, exotic livestock, domestic fowl, or exotic fowl that has been exposed, as defined by commission rule, to such a disease if the commission has notified the person that the animal was exposed to the disease or with respect to livestock, exotic livestock, domestic fowl, or exotic fowl that is subject to a testing requirement due to a risk of exposure, as defined by commission rule, to a specific disease if the commission has notified the person of the testing requirement.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2311 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 161.041(c), Agriculture Code, is amended to read as follows:

(c) A person commits an offense if the person knowingly fails to handle, in accordance with rules adopted by the commission, livestock, exotic livestock, domestic fowl, or exotic fowl;

(1) infected with a disease listed in Subsection (a);

(2) exposed to a disease listed in Subsection (a) if the commission has notified the person that the animal was exposed to the disease;
or

(3) the movement of which is restricted under rules adopted by the commission.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2015.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 161.041(c), Agriculture Code, is amended to read as follows:

(c) A person commits an offense if the person knowingly fails to handle, in accordance with rules adopted by the commission, livestock, exotic livestock, domestic fowl, or exotic fowl;

(1) infected with a disease listed in Subsection (a);

(2) exposed, as defined by commission rule, to a disease listed in Subsection (a) if the commission has notified the person that the animal was exposed to the disease; or

(3) subject to a testing requirement due to a risk of exposure, as defined by commission rule, to a specific disease if the commission has notified the person of the testing requirement.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.