

By: \_\_\_\_\_ .B. No. \_\_\_\_\_

Substitute the following for \_\_\_\_B. No. \_\_\_\_\_:

By: \_\_\_\_\_ C.S.\_\_\_\_B. No. \_\_\_\_\_

A BILL TO BE ENTITLED

AN ACT

relating to standards of care for dogs and cats; creating an offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 821, Health and Safety Code, is amended by adding Section 821.0025 to read as follows:

Sec. 821.0025. STANDARDS OF CARE AND CONFINEMENT FOR DOGS AND CATS. (a) In this section:

(1) "Cat" means a mammal that is wholly or partly of the species Felis domesticus.

(2) "Commercial breeder" means a person who possesses 11 or more adult intact female dogs or cats and is engaged in the business of breeding dogs or cats for direct or indirect sale or for exchange in return for consideration.

(3) "Dog" means a mammal that is wholly or partly of the species Canis familiaris.

(4) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(5) "Facility" means the premises used by a commercial breeder for keeping or breeding dogs or cats. The term includes all buildings, property, and confinement areas used to conduct

the commercial breeding business.

(b) The executive commissioner may adopt standards for enclosures used by a commercial breeder. The standards must prohibit the placement of a primary enclosure on top of another primary enclosure without an impervious barrier between the enclosures.

(c) The executive commissioner shall conduct a study regarding the proper standards for care and confinement for dogs and cats by a commercial breeder to ensure the overall health and welfare of each dog or cat in the commercial breeder's facility.

(d) Not later than August 31, 2012, the executive commissioner shall submit a report to the chairs of the appropriate legislative committees summarizing the findings of the study required by this section.

(e) Subsections (c) and (d) and this subsection expire September 1, 2013.

SECTION 2. Sections 42.092(b) and (c), Penal Code, are amended to read as follows:

(b) A person commits an offense if the person intentionally, knowingly, or recklessly:

(1) tortures an animal or in a cruel manner kills or causes serious bodily injury to an animal;

(2) without the owner's effective consent, kills,

administers poison to, or causes serious bodily injury to an animal;

(3) fails unreasonably to provide necessary food, water, care, or shelter for an animal in the person's custody;

(4) abandons unreasonably an animal in the person's custody;

(5) transports or confines an animal in a cruel manner;

(6) without the owner's effective consent, causes bodily injury to an animal;

(7) causes one animal to fight with another animal, if either animal is not a dog;

(8) uses a live animal as a lure in dog race training or in dog coursing on a racetrack; ~~[e]~~

(9) seriously overworks an animal; or

(10) violates a standard adopted under Section 821.0025(b), Health and Safety Code.

(c) An offense under Subsection (b)(3), (4), (5), (6), ~~[e]~~ (9), or (10) is a Class A misdemeanor, except that the offense is a state jail felony if the person has previously been convicted two times under this section, two times under Section 42.09, or one time under this section and one time under Section 42.09. An offense under Subsection (b)(1), (2), (7), or (8) is a state jail felony, except that the offense is a felony of the

third degree if the person has previously been convicted two times under this section, two times under Section 42.09, or one time under this section and one time under Section 42.09.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.