

## ANIMAL PROTECTION LAWS OF TEXAS



# Animal Protection Laws of Texas

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*This chapter contains Texas’s general animal protection and related statutes with an effective date on or before September 1, 2020. It begins with a detailed overview of the provisions contained in these laws, followed by the full text of the statutes themselves. The various provisions are organized into categories with the relevant part of each statute italicized.*

*Texas may employ similar provisions within other non-animal-specific criminal and civil statutes; may have other more specific statutes in addition to those included; and may have a variety of animal-related regulations in effect. Because the law is continually evolving, always review an official source for the most current language of any statute.*

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## TEXAS

<p><b>1. <u>DEFINITION OF “ANIMAL”</u></b></p>	<p>“Animal” means a domesticated living creature, including any stray or feral cat or dog, and a wild living creature previously captured,” not including “an uncaptured wild living creature or a livestock animal.”  <b>TEX. PENAL CODE ANN. § 42.092(a)(2)</b></p> <p>“Livestock animal” means cattle, sheep, swine, goats, or poultry commonly raised for human consumption; a horse, pony, mule, donkey, or hinny; native or nonnative hoofstock raised under agriculture practices; or native or nonnative fowl commonly raised under agricultural practices.  <b>TEX. PENAL CODE ANN. § 42.09(b)(5)</b></p>
<p><b>2. <u>GENERAL CRUELTY *</u></b></p>	<p>Unlawful restraint of a dog (tethering)  <b>TEX. HEALTH &amp; SAFETY CODE ANN. §§ 821.076, 821.077, 821.079</b>  <i>1<sup>st</sup> offense: Class C misdemeanor</i>  <i>Subsequent offenses: Class B misdemeanor</i></p> <p>Definitions of cruelty to livestock animals.  <b>TEX. PENAL CODE ANN. § 42.09(b)</b></p> <p>Cruelty to livestock animals: neglect, abandonment, cruel transportation, or overworking  <b>TEX. PENAL CODE ANN. § 42.09(a)(2),(3),(4),(9)</b>  <i>1<sup>st</sup> and 2<sup>nd</sup> offenses: Class A misdemeanor</i>  <i>Subsequent offenses (including both 42.09 &amp; 42.092 offenses): State jail felony</i></p> <p>Cruelty to livestock animals: torture, poison, fighting, dog racing or horse tripping  <b>TEX. PENAL CODE ANN. § 42.09(a)(1),(5),(6),(7),(8)</b>  <i>1<sup>st</sup> and 2<sup>nd</sup> offenses: State jail felony</i>  <i>Subsequent offenses (including both 42.09 &amp; 42.092 offenses): 3<sup>rd</sup> degree felony</i></p> <p>Definitions of cruelty to nonlivestock animals  <b>TEX. PENAL CODE ANN.,. § 42.092(a)</b></p>

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	<p>Cruelty to non-livestock animals: neglect, abandonment, cruel transportation, causing bodily injury without owner consent, or seriously overworking  <b>TEX. PENAL CODE ANN., § 42.092(b)(3),(4),(5),(6),(9)</b>  <i>1<sup>st</sup> and 2<sup>nd</sup> offenses: Class A misdemeanor</i>  <i>Subsequent offenses (including both 42.09 &amp; 42.092 offenses): State jail felony</i></p> <p>Cruelty to non-livestock animals: torture, killing, poisoning, or causing serious bodily injury  <b>TEX. PENAL CODE ANN. § 42.092(b)(1),(2)</b>  <i>1<sup>st</sup> offense: 3<sup>rd</sup> degree felony</i>  <i>Subsequent offenses (including offenses under 42.09): 2<sup>nd</sup> degree felony</i></p> <p>Cruelty to non-livestock animals: animal fighting other than dogfighting, or using a live animal as a lure in dog races.  <b>TEX. PENAL CODE ANN. § 42.092(b)(7),(8)</b>  <i>1<sup>st</sup> offense: state jail felony</i>  <i>Subsequent offenses (including offenses under 42.09): 3<sup>rd</sup> degree felony</i></p>
<p><b>3. <u>EXEMPTIONS</u></b></p>	<p>Other  <b>TEX. HEALTH &amp; SAFETY CODE ANN. §§ 821.078, 821.081</b></p> <p>Research animals, wildlife, accepted farm animal husbandry practices, slaughter, other  <b>TEX. PENAL CODE ANN.. § 42.09(d)-(f)</b>  <b>TEX. PENAL CODE ANN.. § 42.092(c)-(f)</b></p> <p>Research animals, accepted farm animal husbandry practices, other  <b>TEX. PENAL CODE. ANN. § 42.105(e),(f)</b></p>
<p><b>4. <u>FIGHTING &amp; RACKETEERING</u></b></p>	<p>Procedural matters relating to the seizure of animals used in fighting located in the <b><u>seizure</u></b> section of this document.</p> <p>Procedural matters relating to the forfeiture of animals used in fighting located in the <b><u>forfeiture &amp; possession bans</u></b> section of this document.</p>

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	<p>Any property, real or personal, used or intended to be used in the commission of dogfighting is contraband  <b>TEX. CODE OF CRIM. PROC. ANN. § 59.01(2)(B)(ix)</b></p> <p>Causing an animal fight  <b>TEX. PENAL CODE ANN. §§ 42.09(a)(6), 42.092(b)(7)</b>  <i>1<sup>st</sup> and 2<sup>nd</sup> offenses: state jail felony</i>  <i>Subsequent offenses: 3<sup>rd</sup> degree felony</i></p> <p>Dogfighting: owning or possessing dogfighting equipment for dogfighting, owning or training a dog for fighting, spectatorship  <b>TEX. PENAL CODE ANN. § 42.10(a)(1),(2),(3)</b>  <i>Class A misdemeanor</i></p> <p>Dogfighting, participating in earnings from dogfighting, or permitting dogfighting on property  <b>TEX. PENAL CODE ANN. § 42.10(a)(4),(5),(6)</b>  <i>State jail felony</i></p> <p>Cockfighting, participating in earnings from cockfight  <b>TEX. PENAL CODE ANN. § 42.105(b)(1),(2)</b>  <i>State jail felony</i></p> <p>Permitting cockfighting on property, owning or training a cock for fighting, making/selling equipment for cockfighting  <b>TEX. PENAL CODE ANN. § 42.105(b)(3),(4),(5)</b>  <i>Class A misdemeanor</i></p> <p>Spectatorship at a cockfight  <b>TEX. PENAL CODE ANN. § 42.105(b)(6)</b>  <i>1<sup>st</sup> offense: Class C misdemeanor</i>  <i>Subsequent offenses: Class A misdemeanor</i></p> <p>Dog fighting qualifies as engaging in organized criminal activity.  <b>TEX. PENAL CODE ANN. § 71.02(a)(15)</b></p>
<p><b>5. <u>SEXUAL ASSAULT</u></b></p>	<p>Bestiality  <b>TEX. PENAL CODE ANN. § 21.09</b>  <i>Generally: state jail felony</i>  <i>If causing serious bodily injury or death: 2<sup>nd</sup> degree felony</i></p>

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	<p>Bestiality is a reportable sex offense.  <b>TEX. CODE OF CRIM. PRO. ANN. § 62.001(5)(A)</b></p>
<p><b>6. <u>CRUELTY TO WORKING ANIMALS</u></b></p>	<p>Interfering with a police service animal  <b>TEX. PENAL CODE ANN. § 38.151</b>  <i>Taunt/torment: Class C misdemeanor</i>  <i>Throw object/substance at: Class B misdemeanor</i>  <i>Interfere/obstruct handler's control, enter area of control, release animal from area of control: Class A misdemeanor</i>  <i>Injure or engage in conduct likely to injure: state jail felony</i>  <i>Kill or engage in conduct likely to kill, or permanently injure affecting ability to work, or engage in such conduct: 2<sup>nd</sup> degree felony</i></p> <p>Attacking, injuring or killing an assistance animal  <b>TEX. PENAL CODE ANN. § 42.091</b>  <i>Attack: Class A misdemeanor</i>  <i>Injure: State jail felony</i>  <i>Kill: 3<sup>rd</sup> degree felony</i></p>
<p><b>7. <u>MAXIMUM PENALTIES &amp; STATUTE OF LIMITATIONS**</u></b></p>	<p>2<sup>nd</sup> degree felony  <i>20 years imprisonment and \$10,000 fine</i>  <b>TEX. PENAL CODE ANN. § 12.33</b></p> <p>3<sup>rd</sup> degree felony  <i>10 years imprisonment and \$10,000 fine</i>  <b>TEX. PENAL CODE ANN. § 12.34</b></p> <p>State jail felony  <i>2 years jail and \$10,000 fine</i>  <b>TEX. PENAL CODE ANN. § 12.35</b></p> <p>Class A misdemeanor  <i>1 year jail and/or \$4,000 fine</i>  <b>TEX. PENAL CODE ANN. § 12.21</b></p> <p>Class B misdemeanor  <i>180 days jail and \$2,000 fine</i>  <b>TEX. PENAL CODE ANN. § 12.22</b></p>

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	<p>Class C misdemeanor  <i>\$500 fine</i>  <b>TEX. PENAL CODE ANN. § 12.23</b></p> <p>Statute of Limitations  <i>Misdemeanor: 2 years</i>  <b>TEX. CODE OF CRIM. PROC. ANN. § 12.02</b>  <i>Felony: 3 years</i>  <b>TEX. CODE OF CRIM. PROC. ANN. § 12.01</b></p>
<b>8. <u>CROSS ENFORCEMENT &amp; REPORTING</u></b>	-----
<b>9. <u>VETERINARIAN REPORTING &amp; IMMUNITY</u></b>	<p>Veterinarians are immune from civil or criminal liability for good faith reporting of suspected animal cruelty.  <b>TEX. OCC. CODE ANN. § 801.3585</b></p>
<b>10. <u>LAW ENFORCEMENT POLICIES</u></b>	-----
<b>11. <u>SEIZURE</u></b>	<p>Definitions  <b>TEX. HEALTH &amp; SAFETY CODE ANN. § 821.021</b></p> <p>Court may issue a peace officer or animal control officer a warrant to seize cruelly treated animals for probable cause.  <b>TEX. HEALTH &amp; SAFETY CODE ANN. § 821.022</b></p> <p>Property used in the commission of dog fighting is contraband and may be seized under contraband provisions.  <b>TEX. CODE OF CRIM. PROC. ANN. § 59.01(2)(B)(x)</b></p>
<b>12. <u>COURTROOM ANIMAL ADVOCATE PROGRAM</u></b>	-----
<b>13. <u>PROTECTION ORDERS†</u></b>	<p>The court may prohibit the respondent from harming/threatening/interfering with the care/custody/control of a pet, companion animal, or assistance animal.  <b>TEX. FAM. CODE ANN. §§ 85.021(1)(C), 85.022(b)(7)</b></p>

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<p><b>14. <u>RESTITUTION †</u></b></p>	<p>Definition of “cruelly treated”  <b>TEX. HEALTH &amp; SAFETY CODE ANN. § 821.021</b></p> <p>A court that finds an animal’s owner has cruelly treated an animal, during a hearing to determine the disposition or return of an impounded animal, shall order the owner to pay all court costs and costs of care during impoundment.  <b>TEX. HEALTH &amp; SAFETY CODE ANN. § 821.023(e)-(e-4)</b></p> <p>Proceeds from the sale of an impounded animal shall first be applied to paying the costs of its care.  <b>TEX. HEALTH &amp; SAFETY CODE ANN. § 821.024(b)</b></p> <p>As a condition of perfecting an appeal, the owner must file a bond to cover the estimated court costs and expenses incurred in housing and caring for the impounded animal during the appeal process.  <b>TEX. HEALTH &amp; SAFETY CODE ANN. § 821.025(b)</b></p>
<p><b>15. <u>FORFEITURE &amp; POSSESSION BANS †</u></b></p>	<p>Definitions  <b>TEX. HEALTH &amp; SAFETY CODE ANN. § 821.021</b></p> <p>If a court finds that an animal’s owner has cruelly treated the animal, the owner shall be divested of ownership.  <b>TEX. HEALTH &amp; SAFETY CODE ANN. § 821.023(d)</b></p> <p>If the officer conducting an auction of cruelly treated animals is unable to sell the animals, he may give them to a nonprofit animal shelter, pound, or society for the protection of animals.  <b>TEX. HEALTH &amp; SAFETY CODE ANN. § 821.024(a),(c)</b></p> <p>During an appeal of an order allowing a public auction of cruelly treated animals, the animals may not be sold, destroyed or given away.  <b>TEX. HEALTH &amp; SAFETY CODE ANN. § 821.025(h)</b></p> <p>If a judge grants community supervision to a defendant convicted of bestiality the judge may require the defendant to relinquish custody of any animals in his possession and prohibit the defendant from possessing, exercising control over, or residing in a household with animals.  <b>TEX. CODE OF CRIM. PROC. ANN. § 42A.511(c)</b></p>

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	<p>Property used in the commission of dog fighting is contraband and may be forfeited under contraband provisions.</p> <p>TEX. CODE OF CRIM. PROC. ANN. § 59.01(2)(B)(ix)</p>
<p><b>16. <u>COURT-ORDERED TREATMENT</u><sup>†</sup></b></p>	<p>If a judge grants community supervision to a person convicted of an offense under Section 42.09, 42.091, 42.092, or 42.10, Penal Code, the judge may require the person to attend an approved and certified responsible pet owner course</p> <p>TEX. CODE OF CRIM. PROC. ANN. § 42A.511(a),(b)</p> <p>If a judge grants community supervision to a defendant convicted of bestiality the judge may require the defendant to participate in psychological counseling appropriate treatment program.</p> <p>TEX. CODE OF CRIM. PROC. ANN. § 42A.511(c)</p> <p>Court shall order juvenile offenders to participate in psychological counseling.</p> <p>TEX. FAM. CODE ANN. § 54.0407</p>
<p><b>17. <u>HOT CARS</u></b></p>	-----
<p><b>18. <u>CIVIL NUISANCE ABATEMENT</u></b></p>	-----
<p><b>19. <u>AG-GAG LAWS</u></b></p>	-----
<p><b>20. <u>BREED SPECIFIC LEGISLATION</u></b></p>	<p>A county or municipality may place additional requirements or restrictions on dangerous dogs if the requirements or restrictions are not specific to breed.</p> <p>TEX. HEALTH &amp; SAFETY CODE ANN. § 822.047</p>

\* States may have other more specific statutes in addition to the general animal protection statutes referenced in this table.

\*\* Despite statutory maximums, states often employ sentencing guidelines that may significantly alter the allowable sentence.

† This table generally references only those provisions that are within each state's animal protection statutes. States may employ similar provisions within other non-animal-specific criminal and civil statutes, and may also have a variety of animal-related regulations in effect.



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### 1. DEFINITION OF “ANIMAL”

#### TEX. PENAL CODE ANN. § 42.092. Cruelty to Nonlivestock Animals.

(a) *In this section:*

- (1) “Abandon” includes abandoning an animal in the person’s custody without making reasonable arrangements for assumption of custody by another person.
- (2) “Animal” means a domesticated living creature, including any stray or feral cat or dog, and a wild living creature previously captured. The term does not include an uncaptured wild living creature or a livestock animal.
- (3) “Cruel manner” includes a manner that causes or permits unjustified or unwarranted pain or suffering.
- (4) “Custody” includes responsibility for the health, safety, and welfare of an animal subject to the person’s care and control, regardless of ownership of the animal.
- (5) “Depredation” has the meaning assigned by Section 71.001, Parks and Wildlife Code.
- (6) “Livestock animal” has the meaning assigned by Section 42.09.
- (7) “Necessary food, water, care, or shelter” includes food, water, care, or shelter provided to the extent required to maintain the animal in a state of good health.
- (8) “Torture” includes any act that causes unjustifiable pain or suffering.

(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;
- or
- (9) seriously overworks an animal.

(c) An offense under Subsection (b)(3), (4), (5), (6), or (9) 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.

(c-1) An offense under Subsection (b)(1) or (2) is a felony of the third degree, except that the offense is a felony of the second degree if the person has previously been convicted under Subsection (b)(1), (2), (7), or (8) or under Section 42.09.

(c-2) An offense under Subsection (b)(7) or (8) is a state jail felony, except that the offense is a

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felony of the third degree if the person has previously been convicted under this section or under Section 42.09.

- (d) It is a defense to prosecution under this section that:
  - (1) the actor had a reasonable fear of bodily injury to the actor or to another person by a dangerous wild animal as defined by Section 822.101, Health and Safety Code; or
  - (2) the actor was engaged in bona fide experimentation for scientific research.
- (e) It is a defense to prosecution under Subsection (b)(2) or (6) that:
  - (1) the animal was discovered on the person's property in the act of or after injuring or killing the person's livestock animals or damaging the person's crops and that the person killed or injured the animal at the time of this discovery; or
  - (2) the person killed or injured the animal within the scope of the person's employment as a public servant or in furtherance of activities or operations associated with electricity transmission or distribution, electricity generation or operations associated with the generation of electricity, or natural gas delivery.
- (f) It is an exception to the application of this section that the conduct engaged in by the actor is a generally accepted and otherwise lawful:
  - (1) form of conduct occurring solely for the purpose of or in support of:
    - (A) fishing, hunting, or trapping; or
    - (B) wildlife management, wildlife or depredation control, or shooting preserve practices as regulated by state and federal law; or
  - (2) animal husbandry or agriculture practice involving livestock animals.
- (g) This section does not create a civil cause of action for damages or enforcement of the section.

### TEX. PENAL CODE ANN. § 42.09. Cruelty to Livestock Animals.

- (a) A person commits an offense if the person intentionally or knowingly:
  - (1) tortures a livestock animal;
  - (2) fails unreasonably to provide necessary food, water, or care for a livestock animal in the person's custody;
  - (3) abandons unreasonably a livestock animal in the person's custody;
  - (4) transports or confines a livestock animal in a cruel and unusual manner;
  - (5) administers poison to a livestock animal, other than cattle, horses, sheep, swine, or goats, belonging to another without legal authority or the owner's effective consent;
  - (6) causes one livestock animal to fight with another livestock animal or with an animal as defined by Section 42.092;
  - (7) uses a live livestock animal as a lure in dog race training or in dog coursing on a racetrack;
  - (8) trips a horse; or
  - (9) seriously overworks a livestock animal.

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(b) *In this section:*

- (1) “Abandon” includes abandoning a livestock animal in the person’s custody without making reasonable arrangements for assumption of custody by another person.
  - (2) “Cruel manner” includes a manner that causes or permits unjustified or unwarranted pain or suffering.
  - (3) “Custody” includes responsibility for the health, safety, and welfare of a livestock animal subject to the person’s care and control, regardless of ownership of the livestock animal.
  - (4) “Depredation” has the meaning assigned by Section 71.001, Parks and Wildlife Code.
  - (5) “Livestock animal” means:
    - (A) *cattle, sheep, swine, goats, ratites, or poultry commonly raised for human consumption;*
    - (B) *a horse, pony, mule, donkey, or hinny;*
    - (C) *native or nonnative hoofstock raised under agriculture practices; or*
    - (D) *native or nonnative fowl commonly raised under agricultural practices.*
  - (6) “Necessary food, water, or care” includes food, water, or care provided to the extent required to maintain the livestock animal in a state of good health.
  - (7) “Torture” includes any act that causes unjustifiable pain or suffering.
  - (8) “Trip” means to use an object to cause a horse to fall or lose its balance.
- (c) An offense under Subsection (a)(2), (3), (4), or (9) 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 42.092, or one time under this section and one time under Section 42.092. An offense under Subsection (a)(1), (5), (6), (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 42.092, or one time under this section and one time under Section 42.092.
- (d) It is a defense to prosecution under Subsection (a)(8) that the actor tripped the horse for the purpose of identifying the ownership of the horse or giving veterinary care to the horse.
- (e) It is a defense to prosecution for an offense under this section that the actor was engaged in bona fide experimentation for scientific research.
- (f) It is an exception to the application of this section that the conduct engaged in by the actor is a generally accepted and otherwise lawful:
- (1) form of conduct occurring solely for the purpose of or in support of:
    - (A) fishing, hunting, or trapping; or
    - (B) wildlife management, wildlife or depredation control, or shooting preserve practices as regulated by state and federal law; or
  - (2) animal husbandry or agriculture practice involving livestock animals.
- (g) This section does not create a civil cause of action for damages or enforcement of this section.

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### 2. GENERAL CRUELTY

#### TEX. HEALTH & SAFETY CODE ANN. § 821.076. Definitions.

*In this subchapter:*

- (1) *“Collar” means any collar constructed of nylon, leather, or similar material, specifically designed to be used for a dog.*
- (2) *“Owner” means a person who owns or has custody or control of a dog.*
- (3) *“Properly fitted” means, with respect to a collar, a collar that measures the circumference of a dog’s neck plus at least one inch.*
- (4) *“Restraint” means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.*

#### TEX. HEALTH & SAFETY CODE ANN. § 821.077. Unlawful Restraint of Dog.

- (a) *An owner may not leave a dog outside and unattended by use of a restraint that unreasonably limits the dog’s movement:*
  - (1) *between the hours of 10 p.m. and 6 a.m.;*
  - (2) *within 500 feet of the premises of a school; or*
  - (3) *in the case of extreme weather conditions, including conditions in which:*
    - (A) *the actual or effective outdoor temperature is below 32 degrees Fahrenheit;*
    - (B) *a heat advisory has been issued by a local or state authority or jurisdiction;*
    - or*
    - (C) *a hurricane, tropical storm, or tornado warning has been issued for the jurisdiction by the National Weather Service.*
- (b) *In this section, a restraint unreasonably limits a dog’s movement if the restraint:*
  - (1) *uses a collar that is pinch-type, prong-type, or choke-type or that is not properly fitted to the dog;*
  - (2) *is a length shorter than the greater of:*
    - (A) *five times the length of the dog, as measured from the tip of the dog’s nose to the base of the dog’s tail; or*
    - (B) *10 feet;*
  - (3) *is in an unsafe condition; or*
  - (4) *causes injury to the dog.*

#### TEX. HEALTH & SAFETY CODE ANN. § 821.079. Penalty.

- (a) *A person commits an offense if the person knowingly violates this subchapter.*
- (b) *A peace officer or animal control officer who has probable cause to believe that an owner is violating this subchapter shall provide the owner with a written statement of*

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*that fact. The statement must be signed by the officer and plainly state the date on which and the time at which the statement is provided to the owner.*

- (c) *A person commits an offense if the person is provided a statement described by Subsection (b) and fails to comply with this subchapter within 24 hours of the time the owner is provided the statement. An offense under this subsection is a Class C misdemeanor.*
- (d) *A person commits an offense if the person violates this subchapter and previously has been convicted of an offense under this subchapter. An offense under this subsection is a Class B misdemeanor.*
- (e) *If a person fails to comply with this subchapter with respect to more than one dog, the person's conduct with respect to each dog constitutes a separate offense.*
- (f) *If conduct constituting an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.*

### TEX. PENAL CODE ANN. § 42.09. Cruelty to Livestock Animals.

- (a) *A person commits an offense if the person intentionally or knowingly:*
  - (1) *tortures a livestock animal;*
  - (2) *fails unreasonably to provide necessary food, water, or care for a livestock animal in the person's custody;*
  - (3) *abandons unreasonably a livestock animal in the person's custody;*
  - (4) *transports or confines a livestock animal in a cruel and unusual manner;*
  - (5) *administers poison to a livestock animal, other than cattle, horses, sheep, swine, or goats, belonging to another without legal authority or the owner's effective consent;*
  - (6) *causes one livestock animal to fight with another livestock animal or with an animal as defined by Section 42.092;*
  - (7) *uses a live livestock animal as a lure in dog race training or in dog coursing on a racetrack;*
  - (8) *trips a horse; or*
  - (9) *seriously overworks a livestock animal.*
- (b) *In this section:*
  - (1) *"Abandon" includes abandoning a livestock animal in the person's custody without making reasonable arrangements for assumption of custody by another person.*
  - (2) *"Cruel manner" includes a manner that causes or permits unjustified or unwarranted pain or suffering.*
  - (3) *"Custody" includes responsibility for the health, safety, and welfare of a livestock animal subject to the person's care and control, regardless of ownership of the livestock animal.*
  - (4) *"Depredation" has the meaning assigned by Section 71.001, Parks and Wildlife*

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*Code.*

- (5) *“Livestock animal” means:*
- (A) *cattle, sheep, swine, goats, ratites, or poultry commonly raised for human consumption;*
  - (B) *a horse, pony, mule, donkey, or hinny;*
  - (C) *native or nonnative hoofstock raised under agriculture practices; or*
  - (D) *native or nonnative fowl commonly raised under agricultural practices.*
- (6) *“Necessary food, water, or care” includes food, water, or care provided to the extent required to maintain the livestock animal in a state of good health.*
- (7) *“Torture” includes any act that causes unjustifiable pain or suffering.*
- (8) *“Trip” means to use an object to cause a horse to fall or lose its balance.*
- (c) *An offense under Subsection (a)(2), (3), (4), or (9) 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 42.092, or one time under this section and one time under Section 42.092. An offense under Subsection (a)(1), (5), (6), (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 42.092, or one time under this section and one time under Section 42.092.*
- (d) *It is a defense to prosecution under Subsection (a)(8) that the actor tripped the horse for the purpose of identifying the ownership of the horse or giving veterinary care to the horse.*
- (e) *It is a defense to prosecution for an offense under this section that the actor was engaged in bona fide experimentation for scientific research.*
- (f) *It is an exception to the application of this section that the conduct engaged in by the actor is a generally accepted and otherwise lawful:*
- (1) *form of conduct occurring solely for the purpose of or in support of:*
    - (A) *fishing, hunting, or trapping; or*
    - (B) *wildlife management, wildlife or depredation control, or shooting preserve practices as regulated by state and federal law; or*
  - (2) *animal husbandry or agriculture practice involving livestock animals.*
- (g) *This section does not create a civil cause of action for damages or enforcement of this section.*

### TEX. PENAL CODE ANN. § 42.092. Cruelty to Nonlivestock Animals.

- (a) *In this section:*
- (1) *“Abandon” includes abandoning an animal in the person’s custody without making reasonable arrangements for assumption of custody by another person.*
  - (2) *“Animal” means a domesticated living creature, including any stray or feral cat or dog, and a wild living creature previously captured. The term does not include an uncaptured wild living creature or a livestock animal.*

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- (3) *“Cruel manner” includes a manner that causes or permits unjustified or unwarranted pain or suffering.*
- (4) *“Custody” includes responsibility for the health, safety, and welfare of an animal subject to the person’s care and control, regardless of ownership of the animal.*
- (5) *“Depredation” has the meaning assigned by Section 71.001, Parks and Wildlife Code.*
- (6) *“Livestock animal” has the meaning assigned by Section 42.09.*
- (7) *“Necessary food, water, care, or shelter” includes food, water, care, or shelter provided to the extent required to maintain the animal in a state of good health.*
- (8) *“Torture” includes any act that causes unjustifiable pain or suffering.*
- (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;*  
*or*
  - (9) *seriously overworks an animal.*
- (c) *An offense under Subsection (b)(3), (4), (5), (6), or (9) 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.*
- (c-1) *An offense under Subsection (b)(1) or (2) is a felony of the third degree, except that the offense is a felony of the second degree if the person has previously been convicted under Subsection (b)(1), (2), (7), or (8) or under Section 42.09.*
- (c-2) *An offense under Subsection (b)(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 under this section or under Section 42.09.*
- (d) *It is a defense to prosecution under this section that:*
  - (1) *the actor had a reasonable fear of bodily injury to the actor or to another person by a dangerous wild animal as defined by Section 822.101, Health and Safety Code; or*
  - (2) *the actor was engaged in bona fide experimentation for scientific research.*
- (e) *It is a defense to prosecution under Subsection (b)(2) or (6) that:*
  - (1) *the animal was discovered on the person’s property in the act of or after injuring or killing the person’s livestock animals or damaging the person’s crops and that*

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- the person killed or injured the animal at the time of this discovery; or
- (2) the person killed or injured the animal within the scope of the person's employment as a public servant or in furtherance of activities or operations associated with electricity transmission or distribution, electricity generation or operations associated with the generation of electricity, or natural gas delivery.
- (f) It is an exception to the application of this section that the conduct engaged in by the actor is a generally accepted and otherwise lawful:
  - (1) form of conduct occurring solely for the purpose of or in support of:
    - (A) fishing, hunting, or trapping; or
    - (B) wildlife management, wildlife or depredation control, or shooting preserve practices as regulated by state and federal law; or
  - (2) animal husbandry or agriculture practice involving livestock animals.
- (g) This section does not create a civil cause of action for damages or enforcement of the section.



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### 3. EXEMPTIONS

#### TEX. HEALTH & SAFETY CODE ANN. § 821.078. Exceptions.

Section 821.077 does not apply to:

- (1) a dog restrained to a running line, pulley, or trolley system and that is not restrained to the running line, pulley, or trolley system by means of a pinch-type, prong-type, choke-type, or improperly fitted collar;
- (2) a dog restrained in compliance with the requirements of a camping or recreational area as defined by a federal, state, or local authority or jurisdiction;
- (3) a dog restrained for a reasonable period, not to exceed three hours in a 24-hour period, and no longer than is necessary for the owner to complete a temporary task that requires the dog to be restrained;
- (4) a dog restrained while the owner is engaged in, or actively training for, an activity that is conducted pursuant to a valid license issued by this state if the activity for which the license is issued is associated with the use or presence of a dog;
- (5) a dog restrained while the owner is engaged in conduct directly related to the business of shepherding or herding cattle or livestock; or
- (6) a dog restrained while the owner is engaged in conduct directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.

#### TEX. HEALTH & SAFETY CODE ANN. § 821.081. Hand-held Leashes.

This subchapter does not prohibit a person from walking a dog with a hand-held leash.

#### TEX. PENAL CODE ANN. § 42.09. Cruelty to Livestock Animals.

- (a) A person commits an offense if the person intentionally or knowingly:
  - (1) tortures a livestock animal;
  - (2) fails unreasonably to provide necessary food, water, or care for a livestock animal in the person's custody;
  - (3) abandons unreasonably a livestock animal in the person's custody;
  - (4) transports or confines a livestock animal in a cruel and unusual manner;
  - (5) administers poison to a livestock animal, other than cattle, horses, sheep, swine, or goats, belonging to another without legal authority or the owner's effective consent;
  - (6) causes one livestock animal to fight with another livestock animal or with an animal as defined by Section 42.092;
  - (7) uses a live livestock animal as a lure in dog race training or in dog coursing on a

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- racetrack;
- (8) trips a horse; or
- (9) seriously overworks a livestock animal.
- (b) In this section:
- (1) "Abandon" includes abandoning a livestock animal in the person's custody without making reasonable arrangements for assumption of custody by another person.
- (2) "Cruel manner" includes a manner that causes or permits unjustified or unwarranted pain or suffering.
- (3) "Custody" includes responsibility for the health, safety, and welfare of a livestock animal subject to the person's care and control, regardless of ownership of the livestock animal.
- (4) "Depredation" has the meaning assigned by Section 71.001, Parks and Wildlife Code.
- (5) "Livestock animal" means:
- (A) cattle, sheep, swine, goats, ratites, or poultry commonly raised for human consumption;
- (B) a horse, pony, mule, donkey, or hinny;
- (C) native or nonnative hoofstock raised under agriculture practices; or
- (D) native or nonnative fowl commonly raised under agricultural practices.
- (6) "Necessary food, water, or care" includes food, water, or care provided to the extent required to maintain the livestock animal in a state of good health.
- (7) "Torture" includes any act that causes unjustifiable pain or suffering.
- (8) "Trip" means to use an object to cause a horse to fall or lose its balance.
- (c) An offense under Subsection (a)(2), (3), (4), or (9) 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 42.092, or one time under this section and one time under Section 42.092. An offense under Subsection (a)(1), (5), (6), (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 42.092, or one time under this section and one time under Section 42.092.
- (d) *It is a defense to prosecution under Subsection (a)(8) that the actor tripped the horse for the purpose of identifying the ownership of the horse or giving veterinary care to the horse.*
- (e) *It is a defense to prosecution for an offense under this section that the actor was engaged in bona fide experimentation for scientific research.*
- (f) *It is an exception to the application of this section that the conduct engaged in by the actor is a generally accepted and otherwise lawful:*
- (1) *form of conduct occurring solely for the purpose of or in support of:*
- (A) *fishing, hunting, or trapping; or*
- (B) *wildlife management, wildlife or depredation control, or shooting preserve practices as regulated by state and federal law; or*

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- (2) *animal husbandry or agriculture practice involving livestock animals.*
- (g) This section does not create a civil cause of action for damages or enforcement of this section.

### TEX. PENAL CODE ANN. § 42.092. Cruelty to Nonlivestock Animals.

- (a) In this section:
- (1) “Abandon” includes abandoning an animal in the person’s custody without making reasonable arrangements for assumption of custody by another person.
  - (2) “Animal” means a domesticated living creature, including any stray or feral cat or dog, and a wild living creature previously captured. The term does not include an uncaptured wild living creature or a livestock animal.
  - (3) “Cruel manner” includes a manner that causes or permits unjustified or unwarranted pain or suffering.
  - (4) “Custody” includes responsibility for the health, safety, and welfare of an animal subject to the person’s care and control, regardless of ownership of the animal.
  - (5) “Depredation” has the meaning assigned by Section 71.001, Parks and Wildlife Code.
  - (6) “Livestock animal” has the meaning assigned by Section 42.09.
  - (7) “Necessary food, water, care, or shelter” includes food, water, care, or shelter provided to the extent required to maintain the animal in a state of good health.
  - (8) “Torture” includes any act that causes unjustifiable pain or suffering.
- (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;  
or
  - (9) seriously overworks an animal.
- (c) *An offense under Subsection (b)(3), (4), (5), (6), or (9) 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.*
- (c-1) *An offense under Subsection (b)(1) or (2) is a felony of the third degree, except that the*

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- offense is a felony of the second degree if the person has previously been convicted under Subsection (b)(1), (2), (7), or (8) or under Section 42.09.*
- (c-2) *An offense under Subsection (b)(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 under this section or under Section 42.09.*
- (d) *It is a defense to prosecution under this section that:*
- (1) *the actor had a reasonable fear of bodily injury to the actor or to another person by a dangerous wild animal as defined by Section 822.101, Health and Safety Code; or*
  - (2) *the actor was engaged in bona fide experimentation for scientific research.*
- (e) *It is a defense to prosecution under Subsection (b)(2) or (6) that:*
- (1) *the animal was discovered on the person's property in the act of or after injuring or killing the person's livestock animals or damaging the person's crops and that the person killed or injured the animal at the time of this discovery; or*
  - (2) *the person killed or injured the animal within the scope of the person's employment as a public servant or in furtherance of activities or operations associated with electricity transmission or distribution, electricity generation or operations associated with the generation of electricity, or natural gas delivery.*
- (f) *It is an exception to the application of this section that the conduct engaged in by the actor is a generally accepted and otherwise lawful:*
- (1) *form of conduct occurring solely for the purpose of or in support of:*
    - (A) *fishing, hunting, or trapping; or*
    - (B) *wildlife management, wildlife or depredation control, or shooting preserve practices as regulated by state and federal law; or*
  - (2) *animal husbandry or agriculture practice involving livestock animals.*
- (g) *This section does not create a civil cause of action for damages or enforcement of the section.*

### TEX. PENAL CODE ANN. § 42.105. Cockfighting.

- (a) In this section:
- (1) "Bridle" means a leather device designed to fit over the head and beak of a cock to prevent the cock from injuring another cock.
  - (2) "Cock" means the male of any type of domestic fowl.
  - (3) "Cockfighting" means any situation in which one cock attacks or fights with another cock.
  - (4) "Gaff" means an artificial steel spur designed to attach to the leg of a cock to replace or supplement the cock's natural spur.
  - (5) "Slasher" means a steel weapon resembling a curved knife blade designed to attach to the foot of a cock.
- (b) A person commits an offense if the person knowingly:

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- (1) causes a cock to fight with another cock;
  - (2) participates in the earnings of a cockfight;
  - (3) uses or permits another to use any real estate, building, room, tent, arena, or other property for cockfighting;
  - (4) owns or trains a cock with the intent that the cock be used in an exhibition of cockfighting;
  - (5) manufactures, buys, sells, barter, exchanges, possesses, advertises, or otherwise offers a gaff, slasher, or other sharp implement designed for attachment to a cock with the intent that the implement be used in cockfighting;
  - or
  - (6) attends as a spectator an exhibition of cockfighting.
- (c) It is an affirmative defense to prosecution under this section that the actor's conduct:
- (1) occurred solely for the purpose of or in support of breeding cocks for poultry shows in which a cock is judged by the cock's physical appearance; or
  - (2) was incidental to collecting bridles, gaffs, or slashers.
- (d) An affirmative defense to prosecution is not available under Subsection (c) if evidence shows that the actor is also engaging in use of the cocks for cockfighting.
- (e) *It is a defense to prosecution for an offense under this section that:*
- (1) *the actor was engaged in bona fide experimentation for scientific research; or*
  - (2) *the conduct engaged in by the actor is a generally accepted and otherwise lawful animal husbandry or agriculture practice involving livestock animals.*
- (f) *It is an exception to the application of Subsection (b)(6) that the actor is 15 years of age or younger at the time of the offense.*
- (g) An offense under Subsection (b)(1) or (2) is a state jail felony. An offense under Subsection (b)(3), (4), or (5) is a Class A misdemeanor. An offense under Subsection (b)(6) is a Class C misdemeanor, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that the person has been previously convicted of an offense under that subdivision.

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### 4. FIGHTING AND RACKETEERING

Procedural matters relating to the seizure of animals used in fighting located in the [seizure](#) section of this document.

Procedural matters relating to the forfeiture of animals used in fighting located in the [forfeiture & possession bans](#) section of this document.

#### TEX. CODE OF CRIM. PROC. ANN. § 59.01. Definitions.

In this chapter:

- (1) “Attorney representing the state” means the prosecutor with felony jurisdiction in the county in which a forfeiture proceeding is held under this chapter or, in a proceeding for forfeiture of contraband as defined under Subdivision (2)(B)(v) of this article, the city attorney of a municipality if the property is seized in that municipality by a peace officer employed by that municipality and the governing body of the municipality has approved procedures for the city attorney acting in a forfeiture proceeding. In a proceeding for forfeiture of contraband as defined under Subdivision (2)(B)(vi) of this article, the term includes the attorney general.
- (2) “Contraband” means property of any nature, including real, personal, tangible, or intangible, that is:
  - (A) used in the commission of:
    - (i) any first or second degree felony under the Penal Code;
    - (ii) any felony under Section 15.031(b), 21.11, or 38.04 or Chapter 29, 30, 31, 32, 33, 33A, or 35, Penal Code;
    - (iii) any felony under Chapter 43, Penal Code, except as provided by Paragraph (B);
    - (iv) *<Text of (2)(A)(iv) effective until Jan. 1, 2022>* any felony under The Securities Act (Article 581-1 et seq., Vernon’s Texas Civil Statutes); or
    - (v) *<Text of (2)(A)(iv) effective until Jan. 1, 2022>* any felony under The Securities Act (Title 12, Government Code); or
    - (v) any offense under Chapter 49, Penal Code, that is punishable as a felony of the third degree or state jail felony, if the defendant has been previously convicted three times of an offense under that chapter;
  - (B) used or intended to be used in the commission of:
    - (i) any felony under Chapter 481, Health and Safety Code (Texas Controlled Substances Act);
    - (ii) any felony under Chapter 483, Health and Safety Code;

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- (iii) a felony under Chapter 151, Finance Code;
  - (iv) any felony under Chapter 20A or Chapter 34, Penal Code;
  - (v) a Class A misdemeanor under Subchapter B, Chapter 365, Health and Safety Code, if the defendant has been previously convicted twice of an offense under that subchapter;
  - (vi) any felony under Chapter 32, Human Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that involves a health care program, as defined by Section 35A.01, Penal Code;
  - (vii) a Class B misdemeanor under Chapter 522, Business & Commerce Code;
  - (viii) a Class A misdemeanor under Section 306.051, Business & Commerce Code;
  - (ix) *any offense under Section 42.10, Penal Code;*
  - (x) any offense under Section 46.06(a)(1) or 46.14, Penal Code;
  - (xi) any offense under Chapter 71, Penal Code; or
  - (xii) any offense under Section 20.05, 20.06, 20.07, 43.04, or 43.05, Penal Code; or
  - (xiii) an offense under Section 326.002, Business & Commerce Code;
- (C) the proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x), or (xi) of this subdivision, or a crime of violence;
- (D) acquired with proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x), (xi) or (xii) of this subdivision, or a crime of violence;
- (E) used to facilitate or intended to be used to facilitate the commission of a felony under Section 15.031 or 43.25, Penal Code; or
- (F) used to facilitate or intended to be used to facilitate the commission of an offense under Section 20.05, 20.06, or 20.07 or Chapter 20A, Penal Code.
- (3) “Crime of violence” means:
- (A) any criminal offense defined in the Penal Code or in a federal criminal law that results in a personal injury to a victim; or
  - (B) an act that is not an offense under the Penal Code involving the operation of a motor vehicle, aircraft, or water vehicle that results in injury or death sustained in an accident caused by a driver in violation of Section 550.021, Transportation Code.
- (4) “Interest holder” means the bona fide holder of a perfected lien or a perfected security interest in property.
- (5) “Law enforcement agency” means an agency of the state or an agency of a political subdivision of the state authorized by law to employ peace officers.
- (6) “Owner” means a person who claims an equitable or legal ownership interest in property.
- (7) “Proceeds” includes income a person accused or convicted of a crime or the person’s

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representative or assignee receives from:

- (A) a movie, book, magazine article, tape recording, phonographic record, radio or television presentation, telephone service, electronic media format, including an Internet website, or live entertainment in which the crime was reenacted; or
  - (B) the sale of tangible property the value of which is increased by the notoriety gained from the conviction of an offense by the person accused or convicted of the crime.
- (8) “Seizure” means the restraint of property by a peace officer under Article 59.03(a) or (b) of this code, whether the officer restrains the property by physical force or by a display of the officer’s authority, and includes the collection of property or the act of taking possession of property.
- (9) “Depository account” means the obligation of a regulated financial institution to pay the account owner under a written agreement, including a checking account, savings account, money market account, time deposit, NOW account, or certificate of deposit.
- (10) “Primary state or federal financial institution regulator” means the state or federal regulatory agency that chartered and comprehensively regulates a regulated financial institution.
- (11) “Regulated financial institution” means a depository institution chartered by a state or federal government, the deposits of which are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration.

### TEX. PENAL CODE ANN. § 42.09. Cruelty to Livestock Animals.

- (a) *A person commits an offense if the person intentionally or knowingly:*
- (1) tortures a livestock animal;
  - (2) fails unreasonably to provide necessary food, water, or care for a livestock animal in the person’s custody;
  - (3) abandons unreasonably a livestock animal in the person’s custody;
  - (4) transports or confines a livestock animal in a cruel and unusual manner;
  - (5) administers poison to a livestock animal, other than cattle, horses, sheep, swine, or goats, belonging to another without legal authority or the owner’s effective consent;
  - (6) *causes one livestock animal to fight with another livestock animal or with an animal as defined by Section 42.092;*
  - (7) uses a live livestock animal as a lure in dog race training or in dog coursing on a racetrack;
  - (8) trips a horse; or
  - (9) seriously overworks a livestock animal.
- (b) In this section:



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- (1) "Abandon" includes abandoning a livestock animal in the person's custody without making reasonable arrangements for assumption of custody by another person.
  - (2) "Cruel manner" includes a manner that causes or permits unjustified or unwarranted pain or suffering.
  - (3) "Custody" includes responsibility for the health, safety, and welfare of a livestock animal subject to the person's care and control, regardless of ownership of the livestock animal.
  - (4) "Depredation" has the meaning assigned by Section 71.001, Parks and Wildlife Code.
  - (5) "Livestock animal" means:
    - (A) cattle, sheep, swine, goats, ratites, or poultry commonly raised for human consumption;
    - (B) a horse, pony, mule, donkey, or hinny;
    - (C) native or nonnative hoofstock raised under agriculture practices; or
    - (D) native or nonnative fowl commonly raised under agricultural practices.
  - (6) "Necessary food, water, or care" includes food, water, or care provided to the extent required to maintain the livestock animal in a state of good health.
  - (7) "Torture" includes any act that causes unjustifiable pain or suffering.
  - (8) "Trip" means to use an object to cause a horse to fall or lose its balance.
- (c) An offense under Subsection (a)(2), (3), (4), or (9) 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 42.092, or one time under this section and one time under Section 42.092. *An offense under Subsection (a)(1), (5), (6), (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 42.092, or one time under this section and one time under Section 42.092.*
- (d) It is a defense to prosecution under Subsection (a)(8) that the actor tripped the horse for the purpose of identifying the ownership of the horse or giving veterinary care to the horse.
- (e) It is a defense to prosecution for an offense under this section that the actor was engaged in bona fide experimentation for scientific research.
- (f) It is an exception to the application of this section that the conduct engaged in by the actor is a generally accepted and otherwise lawful:
- (1) form of conduct occurring solely for the purpose of or in support of:
    - (A) fishing, hunting, or trapping; or
    - (B) wildlife management, wildlife or depredation control, or shooting preserve practices as regulated by state and federal law; or
  - (2) animal husbandry or agriculture practice involving livestock animals.
- (g) This section does not create a civil cause of action for damages or enforcement of this section.

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### TEX. PENAL CODE ANN. § 42.092. Cruelty to Nonlivestock Animals.

(a) In this section:

- (1) "Abandon" includes abandoning an animal in the person's custody without making reasonable arrangements for assumption of custody by another person.
- (2) "Animal" means a domesticated living creature, including any stray or feral cat or dog, and a wild living creature previously captured. The term does not include an uncaptured wild living creature or a livestock animal.
- (3) "Cruel manner" includes a manner that causes or permits unjustified or unwarranted pain or suffering.
- (4) "Custody" includes responsibility for the health, safety, and welfare of an animal subject to the person's care and control, regardless of ownership of the animal.
- (5) "Depredation" has the meaning assigned by Section 71.001, Parks and Wildlife Code.
- (6) "Livestock animal" has the meaning assigned by Section 42.09.
- (7) "Necessary food, water, care, or shelter" includes food, water, care, or shelter provided to the extent required to maintain the animal in a state of good health.
- (8) "Torture" includes any act that causes unjustifiable pain or suffering.

(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;  
or
- (9) seriously overworks an animal.

(c) An offense under Subsection (b)(3), (4), (5), (6), or (9) 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.

(c-1) An offense under Subsection (b)(1) or (2) is a felony of the third degree, except that the offense is a felony of the second degree if the person has previously been convicted under Subsection (b)(1), (2), (7), or (8) or under Section 42.09.

(c-2) An offense under Subsection (b)(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 under this section or under Section 42.09.

## ANIMAL PROTECTION LAWS OF TEXAS

- (d) It is a defense to prosecution under this section that:
- (1) the actor had a reasonable fear of bodily injury to the actor or to another person by a dangerous wild animal as defined by Section 822.101, Health and Safety Code; or
  - (2) the actor was engaged in bona fide experimentation for scientific research.
- (e) It is a defense to prosecution under Subsection (b)(2) or (6) that:
- (1) the animal was discovered on the person's property in the act of or after injuring or killing the person's livestock animals or damaging the person's crops and that the person killed or injured the animal at the time of this discovery; or
  - (2) the person killed or injured the animal within the scope of the person's employment as a public servant or in furtherance of activities or operations associated with electricity transmission or distribution, electricity generation or operations associated with the generation of electricity, or natural gas delivery.
- (f) It is an exception to the application of this section that the conduct engaged in by the actor is a generally accepted and otherwise lawful:
- (1) form of conduct occurring solely for the purpose of or in support of:
    - (A) fishing, hunting, or trapping; or
    - (B) wildlife management, wildlife or depredation control, or shooting preserve practices as regulated by state and federal law; or
  - (2) animal husbandry or agriculture practice involving livestock animals.
- (g) This section does not create a civil cause of action for damages or enforcement of the section.

### TEX. PENAL CODE ANN. § 42.10. Dog Fighting.

- (a) *A person commits an offense if the person intentionally or knowingly:*
- (1) *causes a dog to fight with another dog;*
  - (2) *participates in the earnings of or operates a facility used for dog fighting;*
  - (3) *uses or permits another to use any real estate, building, room, tent, arena, or other property for dog fighting;*
  - (4) *owns or possesses dog-fighting equipment with the intent that the equipment be used to train a dog for dog fighting or in furtherance of dog fighting;*
  - (5) *owns or trains a dog with the intent that the dog be used in an exhibition of dog fighting; or*
  - (6) *attends as a spectator an exhibition of dog fighting.*
- (b) *In this section;*
- (1) *"Dog fighting" means any situation in which one dog attacks or fights with another dog.*
  - (2) *"Dog-fighting equipment" has the meaning assigned by Article 18.18(g), Code of Criminal Procedure.*
- (c) *A conviction under Subsection (a)(2) or (3) may be had upon the uncorroborated testimony of a party to the offense.*

## ANIMAL PROTECTION LAWS OF TEXAS

- (d) *It is a defense to prosecution under Subsection (a)(1) that the actor caused a dog to fight with another dog to protect livestock, other property, or a person from the other dog, and for no other purpose.*
- (e) *An offense under Subsection (a)(4), (5), or (6) is a Class A misdemeanor. An offense under Subsection (a)(1), (2), or (3) is a state jail felony.*

### TEX. PENAL CODE ANN. § 42.105. Cockfighting.

- (a) *In this section:*
  - (1) *“Bridle” means a leather device designed to fit over the head and beak of a cock to prevent the cock from injuring another cock.*
  - (2) *“Cock” means the male of any type of domestic fowl.*
  - (3) *“Cockfighting” means any situation in which one cock attacks or fights with another cock.*
  - (4) *“Gaff” means an artificial steel spur designed to attach to the leg of a cock to replace or supplement the cock’s natural spur.*
  - (5) *“Slasher” means a steel weapon resembling a curved knife blade designed to attach to the foot of a cock.*
- (b) *A person commits an offense if the person knowingly:*
  - (1) *causes a cock to fight with another cock;*
  - (2) *participates in the earnings of a cockfight;*
  - (3) *uses or permits another to use any real estate, building, room, tent, arena, or other property for cockfighting;*
  - (4) *owns or trains a cock with the intent that the cock be used in an exhibition of cockfighting;*
  - (5) *manufactures, buys, sells, barter, exchanges, possesses, advertises, or otherwise offers a gaff, slasher, or other sharp implement designed for attachment to a cock with the intent that the implement be used in cockfighting; or*
  - (6) *attends as a spectator an exhibition of cockfighting.*
- (c) *It is an affirmative defense to prosecution under this section that the actor’s conduct:*
  - (1) *occurred solely for the purpose of or in support of breeding cocks for poultry shows in which a cock is judged by the cock’s physical appearance; or*
  - (2) *was incidental to collecting bridles, gaffs, or slashers.*
- (d) *An affirmative defense to prosecution is not available under Subsection (c) if evidence shows that the actor is also engaging in use of the cocks for cockfighting.*
- (e) *It is a defense to prosecution for an offense under this section that:*
  - (1) *the actor was engaged in bona fide experimentation for scientific research; or*
  - (2) *the conduct engaged in by the actor is a generally accepted and otherwise lawful animal husbandry or agriculture practice involving livestock animals.*
- (f) *It is an exception to the application of Subsection (b)(6) that the actor is 15 years of age or younger at the time of the offense.*

## ANIMAL PROTECTION LAWS OF TEXAS

- (g) *An offense under Subsection (b)(1) or (2) is a state jail felony. An offense under Subsection (b)(3), (4), or (5) is a Class A misdemeanor. An offense under Subsection (b)(6) is a Class C misdemeanor, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that the person has been previously convicted of an offense under that subdivision.*

### **TEX. PENAL CODE ANN. § 71.02. Engaging in Organized Criminal Activity.**

**NOTE:** *Inapplicable portions of this statute have been omitted.*

- (a) *A person commits an offense if, with the intent to establish, maintain, or participate in a combination or in the profits of a combination or as a member of a criminal street gang, the person commits or conspires to commit one or more of the following:*

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- (15) *any offense under Section 42.10;*

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## ANIMAL PROTECTION LAWS OF TEXAS

## 5. SEXUAL ASSAULT

## TEX. PENAL CODE ANN. § 21.09. Bestiality.

- (a) *A person commits an offense if the person knowingly:*
- (1) *engages in an act involving contact between:*
    - (A) *the person's mouth, anus, or genitals and the anus or genitals of an animal; or*
    - (B) *the person's anus or genitals and the mouth of the animal;*
  - (2) *fondles or touches the anus or genitals of an animal in a manner that is not a generally accepted and otherwise lawful animal husbandry or veterinary practice, including touching through clothing;*
  - (3) *causes an animal to contact the seminal fluid of the person;*
  - (4) *inserts any part of a person's body or any object into the anus or genitals of an animal in a manner that is not a generally accepted and otherwise lawful animal husbandry or veterinary practice;*
  - (5) *possesses, sells, transfers, purchases, or otherwise obtains an animal with the intent that the animal be used for conduct described by Subdivision (1), (2), (3), or (4);*
  - (6) *organizes, promotes, conducts, or participates as an observer of conduct described by Subdivision (1), (2), (3), or (4);*
  - (7) *causes a person to engage or aids a person in engaging in conduct described by Subdivision (1), (2), (3), or (4);*
  - (8) *permits conduct described by Subdivision (1), (2), (3), or (4) to occur on any premises under the person's control;*
  - (9) *engages in conduct described by Subdivision (1), (2), (3), or (4) in the presence of a child younger than 18 years of age; or*
  - (10) *advertises, offers, or accepts the offer of an animal with the intent that the animal be used in this state for conduct described by Subdivision (1), (2), (3), or (4).*
- (b) *An offense under this section is a state jail felony, unless the offense is committed under Subsection (a)(9) or results in serious bodily injury or death of the animal, in which event the offense is a felony of the second degree.*
- (c) *It is an exception to the application of this section that the conduct engaged in by the actor is a generally accepted and otherwise lawful animal husbandry or veterinary practice.*

## ANIMAL PROTECTION LAWS OF TEXAS

### TEX. CODE OF CRIM. PRO. ANN. § 62.001. Definitions.

In this chapter:

- (1) "Department" means the Department of Public Safety.
- (2) "Local law enforcement authority" means, as applicable, the office of the chief of police of a municipality, the office of the sheriff of a county in this state, or a centralized registration authority.
- (3) "Penal institution" means a confinement facility operated by or under a contract with any division of the Texas Department of Criminal Justice, a confinement facility operated by or under contract with the Texas Juvenile Justice Department, or a juvenile secure pre-adjudication or post-adjudication facility operated by or under a local juvenile probation department, or a county jail.
- (4) "Released" means discharged, paroled, placed in a nonsecure community program for juvenile offenders, or placed on juvenile probation, community supervision, or mandatory supervision.
- (5) "*Reportable conviction or adjudication*" means a conviction or adjudication, including an adjudication of delinquent conduct or a deferred adjudication, that, regardless of the pendency of an appeal, is a conviction for or an adjudication for or based on:
  - (A) a violation of Section 21.02 (Continuous sexual abuse of young child or children), 21.09 (Bestiality), 21.11 (Indecency with a child), 22.011 (Sexual assault), 22.021 (Aggravated sexual assault), or 25.02 (Prohibited sexual conduct), Penal Code;
  - (B) a violation of Section 43.04 (Aggravated promotion of prostitution), 43.05 (Compelling prostitution), 43.25 (Sexual performance by a child), or 43.26 (Possession or promotion of child pornography), Penal Code;
  - (B-1) a violation of Section 43.02 (Prostitution), Penal Code, if the offense is punishable under Subsection (c-1)(2) of that section;
  - (C) a violation of Section 20.04(a)(4) (Aggravated kidnapping), Penal Code, if the actor committed the offense or engaged in the conduct with intent to violate or abuse the victim sexually;
  - (D) a violation of Section 30.02 (Burglary), Penal Code, if the offense or conduct is punishable under Subsection (d) of that section and the actor committed the offense or engaged in the conduct with intent to commit a felony listed in Paragraph (A) or (C);
  - (E) a violation of Section 20.02 (Unlawful restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping), Penal Code, if, as applicable:
    - (i) the judgment in the case contains an affirmative finding under Article 42.015; or
    - (ii) the order in the hearing or the papers in the case contain an affirmative finding that the victim or intended victim was younger than 17 years of age;
  - (F) the second violation of Section 21.08 (Indecent exposure), Penal Code, but not if the second violation results in a deferred adjudication;

## ANIMAL PROTECTION LAWS OF TEXAS

- (G) an attempt, conspiracy, or solicitation, as defined by Chapter 15, Penal Code, to commit an offense or engage in conduct listed in Paragraph (A), (B), (C), (D), (E), (K), or (L);
  - (H) a violation of the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice for or based on the violation of an offense containing elements that are substantially similar to the elements of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E), (G), (J), (K), or (L), but not if the violation results in a deferred adjudication;
  - (I) the second violation of the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice for or based on the violation of an offense containing elements that are substantially similar to the elements of the offense of indecent exposure, but not if the second violation results in a deferred adjudication;
  - (J) a violation of Section 33.021 (Online solicitation of a minor), Penal Code;
  - (K) a violation of Section 20A.02(a)(3), (4), (7), or (8) (Trafficking of persons), Penal Code; or
  - (L) a violation of Section 20A.03 (Continuous trafficking of persons), Penal Code, if the offense is based partly or wholly on conduct that constitutes an offense under Section 20A.02(a)(3), (4), (7), or (8) of that code.
- (6) “Sexually violent offense” means any of the following offenses committed by a person 17 years of age or older:
- (A) an offense under Section 21.02 (Continuous sexual abuse of young child or children), 21.11(a)(1) (Indecency with a child), 22.011 (Sexual assault), or 22.021 (Aggravated sexual assault), Penal Code;
  - (B) an offense under Section 43.25 (Sexual performance by a child), Penal Code;
  - (C) an offense under Section 20.04(a)(4) (Aggravated kidnapping), Penal Code, if the defendant committed the offense with intent to violate or abuse the victim sexually;
  - (D) an offense under Section 30.02 (Burglary), Penal Code, if the offense is punishable under Subsection (d) of that section and the defendant committed the offense with intent to commit a felony listed in Paragraph (A) or (C) of Subdivision (5); or
  - (E) an offense under the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice if the offense contains elements that are substantially similar to the elements of an offense listed under Paragraph (A), (B), (C), or (D).
- (7) “Residence” includes a residence established in this state by a person described by Article 62.152(e).
- (8) “Public or private institution of higher education” includes a college, university, community college, or technical or trade institute.



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**ANIMAL PROTECTION LAWS OF TEXAS**

- (9) “Authority for campus security” means the authority with primary law enforcement jurisdiction over property under the control of a public or private institution of higher education, other than a local law enforcement authority.
- (10) “Extrajurisdictional registrant” means a person who:
- (A) is required to register as a sex offender under:
    - (i) the laws of another state with which the department has entered into a reciprocal registration agreement;
    - (ii) federal law or the Uniform Code of Military Justice; or
    - (iii) the laws of a foreign country; and
  - (B) is not otherwise required to register under this chapter because:
    - (i) the person does not have a reportable conviction for an offense under the laws of the other state, federal law, the laws of the foreign country, or the Uniform Code of Military Justice containing elements that are substantially similar to the elements of an offense requiring registration under this chapter; or
    - (ii) the person does not have a reportable adjudication of delinquent conduct based on a violation of an offense under the laws of the other state, federal law, or the laws of the foreign country containing elements that are substantially similar to the elements of an offense requiring registration under this chapter.
- (11) “Centralized registration authority” means a mandatory countywide registration location designated under Article 62.0045.
- (12) “Online identifier” means electronic mail address information or a name used by a person when sending or receiving an instant message, social networking communication, or similar Internet communication or when participating in an Internet chat. The term includes an assumed name, nickname, pseudonym, moniker, or user name established by a person for use in connection with an electronic mail address, chat or instant chat room platform, commercial social networking site, or online picture-sharing service.

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### 6. CRUELTY TO WORKING ANIMALS

#### TEX. PENAL CODE ANN. § 38.151. Interference with Police Service Animals.

- (a) In this section:
- (1) “Area of control” includes a vehicle, trailer, kennel, pen, or yard.
  - (2) “Handler or rider” means a peace officer, corrections officer, or jailer who is specially trained to use a police service animal for law enforcement, corrections, prison or jail security, or investigative purposes.
  - (3) “Police service animal” means a dog, horse, or other domesticated animal that is specially trained for use by a handler or rider.
- (b) A person commits an offense if the person recklessly:
- (1) *taunts, torments, or strikes a police service animal;*
  - (2) *throws an object or substance at a police service animal;*
  - (3) *interferes with or obstructs a police service animal or interferes with or obstructs the handler or rider of a police service animal in a manner that:*
    - (A) *inhibits or restricts the handler's or rider's control of the animal; or*
    - (B) *deprives the handler or rider of control of the animal;*
  - (4) *releases a police service animal from its area of control;*
  - (5) *enters the area of control of a police service animal without the effective consent of the handler or rider, including placing food or any other object or substance into that area;*
  - (6) *injures or kills a police service animal; or*
  - (7) *engages in conduct likely to injure or kill a police service animal, including administering or setting a poison, trap, or any other object or substance.*
- (c) An offense under this section is:
- (1) *a Class C misdemeanor if the person commits an offense under Subsection (b)(1);*
  - (2) *a Class B misdemeanor if the person commits an offense under Subsection (b)(2);*
  - (3) *a Class A misdemeanor if the person commits an offense under Subsection (b)(3), (4), or (5);*
  - (4) *except as provided by Subdivision (5), a state jail felony if the person commits an offense under Subsection (b)(6) or (7) by injuring a police service animal or by engaging in conduct likely to injure the animal; or*
  - (5) *a felony of the second degree if the person commits an offense under Subsection (b)(6) or (7) by:*
    - (A) *killing a police service animal or engaging in conduct likely to kill the animal;*
    - (B) *injuring a police service animal in a manner that materially and permanently affects the ability of the animal to perform as a police service animal; or*

## ANIMAL PROTECTION LAWS OF TEXAS

- (C) *engaging in conduct likely to injure a police service animal in a manner that would materially and permanently affect the ability of the animal to perform as a police service animal.*

### TEX. PENAL CODE ANN. § 42.091. Attack on Assistance Animal.

- (a) *A person commits an offense if the person intentionally, knowingly, or recklessly attacks, injures, or kills an assistance animal.*
- (b) *A person commits an offense if the person intentionally, knowingly, or recklessly incites or permits an animal owned by or otherwise in the custody of the actor to attack, injure, or kill an assistance animal and, as a result of the person's conduct, the assistance animal is attacked, injured, or killed.*
- (c) *An offense under this section is a:*
- (1) *Class A misdemeanor if the actor or an animal owned by or otherwise in the custody of the actor attacks an assistance animal;*
  - (2) *state jail felony if the actor or an animal owned by or otherwise in the custody of the actor injures an assistance animal; or*
  - (3) *felony of the third degree if the actor or an animal owned by or otherwise in the custody of the actor kills an assistance animal.*
- (d) A court shall order a defendant convicted of an offense under Subsection (a) to make restitution to the owner of the assistance animal for:
- (1) related veterinary or medical bills;
  - (2) the cost of:
    - (A) replacing the assistance animal; or
    - (B) retraining an injured assistance animal by an organization generally recognized by agencies involved in the rehabilitation of persons with disabilities as reputable and competent to provide special equipment for or special training to an animal to help a person with a disability; and
  - (3) any other expense reasonably incurred as a result of the offense.
- (e) In this section:
- (1) "Assistance animal" has the meaning assigned by Section 121.002, Human Resources Code.
  - (2) "Custody" has the meaning assigned by Section 42.09.

## ANIMAL PROTECTION LAWS OF TEXAS

### 7. MAXIMUM PENALTIES & STATUTES OF LIMITATIONS

#### TEX. PENAL CODE ANN. § 12.33. Second Degree Felony Punishment

- (a) *An individual adjudged guilty of a felony of the second degree shall be punished by imprisonment in the Texas Department of Criminal Justice for any term of not more than 20 years or less than 2 years.*
- (b) *In addition to imprisonment, an individual adjudged guilty of a felony of the second degree may be punished by a fine not to exceed \$10,000.*

#### TEX. PENAL CODE ANN. § 12.34. Third Degree Felony Punishment.

- (a) *An individual adjudged guilty of a felony of the third degree shall be punished by imprisonment in the Texas Department of Criminal Justice for any term of not more than 10 years or less than 2 years.*
- (b) *In addition to imprisonment, an individual adjudged guilty of a felony of the third degree may be punished by a fine not to exceed \$10,000.*

#### TEX. PENAL CODE ANN. § 12.35. State Jail Felony Punishment.

- (a) *Except as provided by Subsection (c), an individual adjudged guilty of a state jail felony shall be punished by confinement in a state jail for any term of not more than two years or less than 180 days.*
- (b) *In addition to confinement, an individual adjudged guilty of a state jail felony may be punished by a fine not to exceed \$10,000.*
- (c) *An individual adjudged guilty of a state jail felony shall be punished for a third degree felony if it is shown on the trial of the offense that:*
  - (1) *a deadly weapon as defined by Section 1.07 was used or exhibited during the commission of the offense or during immediate flight following the commission of the offense, and that the individual used or exhibited the deadly weapon or was a party to the offense and knew that a deadly weapon would be used or exhibited; or*
  - (2) *the individual has previously been finally convicted of any felony:*
    - (A) *under Section 20A.03 or 21.02 or listed in Article 42A.054(a), Code of Criminal Procedure; or*
    - (B) *for which the judgment contains an affirmative finding under Article 42A.054(c) or (d), Code of Criminal Procedure.*

## ANIMAL PROTECTION LAWS OF TEXAS

### TEX. PENAL CODE ANN. § 12.21. Class A Misdemeanor.

*An individual adjudged guilty of a Class A misdemeanor shall be punished by:*

- (1) *a fine not to exceed \$4,000;*
- (2) *confinement in jail for a term not to exceed one year; or*
- (3) *both such fine and confinement.*

### TEX. PENAL CODE ANN. § 12.22. Class B Misdemeanor.

*An individual adjudged guilty of a Class B misdemeanor shall be punished by:*

- (1) *a fine not to exceed \$2,000;*
- (2) *confinement in jail for a term not to exceed 180 days; or*
- (3) *both such fine and confinement.*

### TEX. PENAL CODE ANN. § 12.23. Class C Misdemeanor.

*An individual adjudged guilty of a Class C misdemeanor shall be punished by a fine not to exceed \$500.*

### TEX. CODE OF CRIM. PRO. ANN. § 12.01. Felonies.

Except as provided in Article 12.03, felony indictments may be presented within these limits, and not afterward:

- (1) no limitation:
  - (A) murder and manslaughter;
  - (B) sexual assault under Section 22.011(a)(2), Penal Code, or aggravated sexual assault under Section 22.021(a)(1)(B), Penal Code;
  - (C) sexual assault, if:
    - (i) during the investigation of the offense biological matter is collected and the matter:
      - (a) has not yet been subjected to forensic DNA testing; or
      - (b) has been subjected to forensic DNA testing and the testing results show that the matter does not match the victim or any other person whose identity is readily ascertained; or
    - (ii) probable cause exists to believe that the defendant has committed the same or a similar sexual offense against five or more victims;
  - (D) continuous sexual abuse of young child or children under Section 21.02, Penal Code;
  - (E) indecency with a child under Section 21.11, Penal Code;

## ANIMAL PROTECTION LAWS OF TEXAS

- (F) an offense involving leaving the scene of an accident under Section 550.021, Transportation Code, if the accident resulted in the death of a person;
  - (G) trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code;
  - (H) continuous trafficking of persons under Section 20A.03, Penal Code; or
  - (I) compelling prostitution under Section 43.05(a)(2), Penal Code;
- (2) ten years from the date of the commission of the offense:
- (A) theft of any estate, real, personal or mixed, by an executor, administrator, guardian or trustee, with intent to defraud any creditor, heir, legatee, ward, distributee, beneficiary or settlor of a trust interested in such estate;
  - (B) theft by a public servant of government property over which the public servant exercises control in the public servant's official capacity;
  - (C) forgery or the uttering, using or passing of forged instruments;
  - (D) injury to an elderly or disabled individual punishable as a felony of the first degree under Section 22.04, Penal Code;
  - (E) sexual assault, except as provided by Subdivision (1) or (7);
  - (F) arson;
  - (G) trafficking of persons under Section 20A.02(a)(1), (2), (3), or (4), Penal Code; or
  - (H) compelling prostitution under Section 43.05(a)(1), Penal Code;
- (3) seven years from the date of the commission of the offense:
- (A) misapplication of fiduciary property or property of a financial institution;
  - (B) securing execution of document by deception;
  - (C) a felony violation under Chapter 162, Tax Code;
  - (D) false statement to obtain property or credit under Section 32.32, Penal Code;
  - (E) money laundering;
  - (F) credit card or debit card abuse under Section 32.31, Penal Code;
  - (G) fraudulent use or possession of identifying information under Section 32.51, Penal Code;
  - (H) exploitation of a child, elderly individual, or disabled individual under Section 32.53, Penal Code;
  - (I) health care fraud under Section 35A.02, Penal Code; or
  - (J) bigamy under Section 25.01, Penal Code, except as provided by Subdivision (6);
- (4) five years from the date of the commission of the offense:
- (A) theft or robbery;
  - (B) except as provided by Subdivision (5), kidnapping or burglary;
  - (C) injury to an elderly or disabled individual that is not punishable as a felony of the first degree under Section 22.04, Penal Code;
  - (D) abandoning or endangering a child; or
  - (E) insurance fraud;
- (5) if the investigation of the offense shows that the victim is younger than 17 years of age at the time the offense is committed, 20 years from the 18th birthday of the victim of one of the following offenses:
- (A) sexual performance by a child under Section 43.25, Penal Code;

## ANIMAL PROTECTION LAWS OF TEXAS

- (B) aggravated kidnapping under Section 20.04(a)(4), Penal Code, if the defendant committed the offense with the intent to violate or abuse the victim sexually; or
  - (C) burglary under Section 30.02, Penal Code, if the offense is punishable under Subsection (d) of that section and the defendant committed the offense with the intent to commit an offense described by Subdivision (1)(B) or (D) of this article or Paragraph (B) of this subdivision;
- (6) ten years from the 18th birthday of the victim of the offense:
- (A) trafficking of persons under Section 20A.02(a)(5) or (6), Penal Code;
  - (B) injury to a child under Section 22.04, Penal Code; or
  - (C) bigamy under Section 25.01, Penal Code, if the investigation of the offense shows that the person, other than the legal spouse of the defendant, whom the defendant marries or purports to marry or with whom the defendant lives under the appearance of being married is younger than 18 years of age at the time the offense is committed; or
- (7) two years from the date the offense was discovered: sexual assault punishable as a state jail felony under Section 22.011(f)(2), Penal Code; or
- (8) *three years from the date of the commission of the offense: all other felonies.*

### TEX. CODE OF CRIM. PRO. ANN. § 12.02. Misdemeanors.

- (a) *An indictment or information for any Class A or Class B misdemeanor may be presented within two years from the date of the commission of the offense, and not afterward.*
- (b) *A complaint or information for any Class C misdemeanor may be presented within two years from the date of the commission of the offense, and not afterward.*

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## ANIMAL PROTECTION LAWS OF TEXAS

### 8. CROSS ENFORCEMENT & REPORTING

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## ANIMAL PROTECTION LAWS OF TEXAS

### 9. VETERINARY REPORTING & IMMUNITY

#### **TEX. OCC. CODE ANN. § 801.3585. Liability For Reporting Animal Cruelty; Immunity.**

*A veterinarian who in good faith and in the normal course of business reports to the appropriate governmental entity a suspected incident of animal cruelty under Section 42.09 or 42.092, Penal Code, is immune from liability in a civil or criminal action brought against the veterinarian for reporting the incident.*

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**ANIMAL PROTECTION LAWS OF TEXAS**

**10. LAW ENFORCEMENT POLICIES**

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## ANIMAL PROTECTION LAWS OF TEXAS

### 11. SEIZURE

#### TEX. HEALTH & SAFETY CODE ANN. § 821.021. Definitions.

*In this subchapter:*

- (1) *“Cruelly treated” includes tortured, seriously overworked, unreasonably abandoned, unreasonably deprived of necessary food, care, or shelter, cruelly confined, caused to fight with another animal, or subjected to conduct prohibited by Section 21.09, Penal Code.*
- (2) *“Nonprofit animal welfare organization” means a nonprofit organization that has as its purpose:*
  - (A) *the prevention of cruelty to animals; or*
  - (B) *the sheltering of, caring for, and providing homes for lost, stray, and abandoned animals.*
- (3) *“Owner” includes a person who owns or has custody or control of an animal.*

#### TEX. HEALTH & SAFETY CODE ANN. § 821.022. Seizure of Cruelly Treated Animal.

- (a) *If a peace officer or an officer who has responsibility for animal control in a county or municipality has reason to believe that an animal has been or is being cruelly treated, the officer may apply to a justice court or magistrate in the county or to a municipal court in the municipality in which the animal is located for a warrant to seize the animal.*
- (b) *On a showing of probable cause to believe that the animal has been or is being cruelly treated, the court or magistrate shall issue the warrant and set a time within 10 calendar days of the date of issuance for a hearing in the appropriate justice court or municipal court to determine whether the animal has been cruelly treated.*
- (c) *The officer executing the warrant shall cause the animal to be impounded and shall give written notice to the owner of the animal of the time and place of the hearing.*

#### TEX. CODE OF CRIM. PROC. CODE ANN. § 59.01. Definitions.

*In this chapter:*

- (1) *“Attorney representing the state” means the prosecutor with felony jurisdiction in the county in which a forfeiture proceeding is held under this chapter or, in a proceeding for forfeiture of contraband as defined under Subdivision (2)(B)(v) of this article, the city attorney of a municipality if the property is seized in that municipality by a peace officer employed by that municipality and the governing body of the municipality has approved procedures for the city attorney acting in a forfeiture proceeding. In a proceeding for forfeiture of contraband as defined under Subdivision (2)(B)(vi) of this article, the term includes the attorney general.*

## ANIMAL PROTECTION LAWS OF TEXAS

- (2) “Contraband” means property of any nature, including real, personal, tangible, or intangible, that is:
- (A) used in the commission of:
    - (i) any first or second degree felony under the Penal Code;
    - (ii) any felony under Section 15.031(b), 21.11, or 38.04 or Chapter 29, 30, 31, 32, 33, 33A, or 35, Penal Code;
    - (iii) any felony under Chapter 43, Penal Code, except as provided by Paragraph (B);  
<Text of (2)(A)(iv) effective until Jan. 1, 2022>
    - (iv) any felony under The Securities Act (Article 581-1 et seq., Vernon's Texas Civil Statutes); or  
<Text of (2)(A)(iv) effective until Jan. 1, 2022>
    - (iv) any felony under The Securities Act (Title 12, Government Code); or
    - (v) any offense under Chapter 49, Penal Code, that is punishable as a felony of the third degree or state jail felony, if the defendant has been previously convicted three times of an offense under that chapter;
  - (B) used or intended to be used in the commission of:
    - (i) any felony under Chapter 481, Health and Safety Code (Texas Controlled Substances Act);
    - (ii) any felony under Chapter 483, Health and Safety Code;
    - (iii) a felony under Chapter 151, Finance Code;
    - (iv) any felony under Chapter 34, Penal Code;
    - (v) a Class A misdemeanor under Subchapter B, Chapter 365, Health and Safety Code, if the defendant has been previously convicted twice of an offense under that subchapter;
    - (vi) any felony under Chapter 32, Human Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that involves a health care program, as defined by Section 35A.01, Penal Code;
    - (vii) a Class B misdemeanor under Chapter 522, Business & Commerce Code;
    - (viii) a Class A misdemeanor under Section 306.051, Business & Commerce Code;
    - (ix) any offense under Section 42.10, Penal Code;
    - (x) *any offense under Section 46.06(a)(1) or 46.14, Penal Code;*
    - (xi) any offense under Chapter 71, Penal Code;
    - (xii) any offense under Section 20.05, 20.06, 20.07, 43.04, or 43.05, Penal Code; or
    - (xiii) an offense under Section 326.002, Business & Commerce Code;
  - (C) the proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x), or (xi) of this subdivision, or a crime of violence;
  - (D) acquired with proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph

## ANIMAL PROTECTION LAWS OF TEXAS

- (B)(vii), (ix), (x), or (xi) of this subdivision, or a crime of violence;
  - (E) used to facilitate or intended to be used to facilitate the commission of a felony under Section 15.031 or 43.25, Penal Code; or
  - (F) used to facilitate or intended to be used to facilitate the commission of a felony under Section 20.05, 20.06, or 20.07, or Chapter 20A, Penal Code.
- (3) “Crime of violence” means:
- (A) any criminal offense defined in the Penal Code or in a federal criminal law that results in a personal injury to a victim; or
  - (B) an act that is not an offense under the Penal Code involving the operation of a motor vehicle, aircraft, or water vehicle that results in injury or death sustained in an accident caused by a driver in violation of Section 550.021, Transportation Code.
- (4) “Interest holder” means the bona fide holder of a perfected lien or a perfected security interest in property.
- (5) “Law enforcement agency” means an agency of the state or an agency of a political subdivision of the state authorized by law to employ peace officers.
- (6) “Owner” means a person who claims an equitable or legal ownership interest in property.
- (7) “Proceeds” includes income a person accused or convicted of a crime or the person's representative or assignee receives from:
- (A) a movie, book, magazine article, tape recording, phonographic record, radio or television presentation, telephone service, electronic media format, including an Internet website, or live entertainment in which the crime was reenacted; or
  - (B) the sale of tangible property the value of which is increased by the notoriety gained from the conviction of an offense by the person accused or convicted of the crime.
- (8) “Seizure” means the restraint of property by a peace officer under Article 59.03(a) or (b) of this code, whether the officer restrains the property by physical force or by a display of the officer's authority, and includes the collection of property or the act of taking possession of property.
- (9) “Depository account” means the obligation of a regulated financial institution to pay the account owner under a written agreement, including a checking account, savings account, money market account, time deposit, NOW account, or certificate of deposit.
- (10) “Primary state or federal financial institution regulator” means the state or federal regulatory agency that chartered and comprehensively regulates a regulated financial institution.
- (11) “Regulated financial institution” means a depository institution chartered by a state or federal government, the deposits of which are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration.

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**12. COURTROOM ANIMAL ADVOCATE PROGRAM**

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## ANIMAL PROTECTION LAWS OF TEXAS

### 13. PROTECTION ORDERS

#### TEX. FAM. CODE ANN. § 85.021. Requirements of Order Applying to Any Party.

*In a protective order, the court may:*

- (1) *prohibit a party from:*
  - (A) removing a child who is a member of the family or household from:
    - (i) the possession of a person named in the order; or
    - (ii) the jurisdiction of the court;
  - (B) transferring, encumbering, or otherwise disposing of property, other than in the ordinary course of business, that is mutually owned or leased by the parties; or
  - (C) *removing a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code, from the possession or actual or constructive care of a person named in the order;*
- (2) grant exclusive possession of a residence to a party and, if appropriate, direct one or more parties to vacate the residence if the residence:
  - (A) is jointly owned or leased by the party receiving exclusive possession and a party being denied possession;
  - (B) is owned or leased by the party retaining possession; or
  - (C) is owned or leased by the party being denied possession and that party has an obligation to support the party or a child of the party granted possession of the residence;
- (3) provide for the possession of and access to a child of a party if the person receiving possession of or access to the child is a parent of the child;
- (4) require the payment of support for a party or for a child of a party if the person required to make the payment has an obligation to support the other party or the child; or
- (5) award to a party the use and possession of specified property that is community property or jointly owned or leased property.

#### TEX. FAM. CODE ANN. § 85.022. Requirements of Order Applying to Person Who Committed Family Violence.

- (a) In a protective order, the court may order the person found to have committed family violence to perform acts specified by the court that the court determines are necessary or appropriate to prevent or reduce the likelihood of family violence and may order that person to:
  - (1) complete a battering intervention and prevention program accredited under Article 42.141, Code of Criminal Procedure;
  - (2) beginning on September 1, 2008, if the referral option under Subdivision (1) is not available, complete a program or counsel with a provider that has begun the accreditation process described by Subsection (a-1); or

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- (3) if the referral option under Subdivision (1) or, beginning on September 1, 2008, the referral option under Subdivision (2) is not available, counsel with a social worker, family service agency, physician, psychologist, licensed therapist, or licensed professional counselor who has completed family violence intervention training that the community justice assistance division of the Texas Department of Criminal Justice has approved, after consultation with the licensing authorities described by Chapters 152, 501, 502, 503, and 505, Occupations Code, and experts in the field of family violence.
- (a-1) Beginning on September 1, 2009, a program or provider serving as a referral option for the courts under Subsection (a)(1) or (2) must be accredited under Section 4A, Article 42.141, Code of Criminal Procedure, as conforming to program guidelines under that article.
- (b) *In a protective order, the court may prohibit the person found to have committed family violence from:*
- (1) committing family violence;
  - (2) communicating:
    - (A) directly with a person protected by an order or a member of the family or household of a person protected by an order, in a threatening or harassing manner;
    - (B) a threat through any person to a person protected by an order or a member of the family or household of a person protected by an order; and
    - (C) if the court finds good cause, in any manner with a person protected by an order or a member of the family or household of a person protected by an order, except through the party's attorney or a person appointed by the court;
  - (3) going to or near the residence or place of employment or business of a person protected by an order or a member of the family or household of a person protected by an order;
  - (4) going to or near the residence, child-care facility, or school a child protected under the order normally attends or in which the child normally resides;
  - (5) engaging in conduct directed specifically toward a person who is a person protected by an order or a member of the family or household of a person protected by an order, including following the person, that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass the person;
  - (6) possessing a firearm, unless the person is a peace officer, as defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision; and
  - (7) *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*



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**ANIMAL PROTECTION LAWS OF TEXAS**

*person protected by an order.*

- (c) In an order under Subsection (b)(3) or (4), the court shall specifically describe each prohibited location and the minimum distances from the location, if any, that the party must maintain. This subsection does not apply to an order in which Section 85.007 applies.
- (d) In a protective order, the court shall suspend a license to carry a handgun issued under Subchapter H, Chapter 411, Government Code, that is held by a person found to have committed family violence.
- (e) In this section, “firearm” has the meaning assigned by Section 46.01, Penal Code.

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### 14. RESTITUTION

#### TEX. HEALTH & SAFETY CODE ANN. § 821.021. Definitions.

*In this subchapter:*

- (1) *“Cruelly treated” includes tortured, seriously overworked, unreasonably abandoned, unreasonably deprived of necessary food, care, or shelter, cruelly confined, caused to fight with another animal, or subjected to conduct prohibited by Section 21.09, Penal Code.*
- (2) *“Nonprofit animal welfare organization” means a nonprofit organization that has as its purpose:*
  - (A) *the prevention of cruelty to animals; or*
  - (B) *the sheltering of, caring for, and providing homes for lost, stray, and abandoned animals.*
- (3) *“Owner” includes a person who owns or has custody or control of an animal.*

#### TEX. HEALTH & SAFETY CODE ANN. § 821.023. Hearing; Order of Disposition or Return of Animal.

- (a) A finding in a court of competent jurisdiction that the owner of an animal is guilty of an offense under Section 42.09 or 42.092, Penal Code, involving the animal is prima facie evidence at a hearing authorized by Section 821.022 that the animal has been cruelly treated.
- (a–1) A finding in a court of competent jurisdiction that a person is guilty of an offense under Section 21.09, Penal Code, is prima facie evidence at a hearing authorized by Section 821.022 that any animal in the person's possession has been cruelly treated, regardless of whether the animal was subjected to conduct prohibited by Section 21.09, Penal Code.
- (b) Repealed by Acts 2017, 85th Leg., ch. 576 (S.B. 762), § 2 and Acts 2017, 85th Leg., ch. 739 (S.B. 1232), § 8.
- (c) Each interested party is entitled to an opportunity to present evidence at the hearing.
- (d) If the court finds that the animal's owner has cruelly treated the animal, the owner shall be divested of ownership of the animal, and the court shall:
  - (1) order a public sale of the animal by auction;
  - (2) order the animal given to a municipal or county animal shelter or a nonprofit animal welfare organization; or
  - (3) order the animal humanely destroyed if the court decides that the best interests of the animal or that the public health and safety would be served by doing so.
- (e) *After a court finds that an animal's owner has cruelly treated the animal, the court shall order the owner to pay all court costs, including:*
  - (1) *the administrative costs of:*
    - (A) *investigation;*

## ANIMAL PROTECTION LAWS OF TEXAS

- (B) *expert witnesses; and*
- (C) *conducting any public sale ordered by the court; and*
- (2) *the costs incurred by a municipal or county animal shelter or a nonprofit animal welfare organization in:*
  - (A) *housing and caring for the animal during its impoundment; and*
  - (B) *humanely destroying the animal if destruction is ordered by the court.*
- (e-1) *After a court finds that an animal's owner has cruelly treated the animal, the court shall determine the estimated costs likely to be incurred by a municipal or county animal shelter or a nonprofit animal welfare organization to house and care for the impounded animal during the appeal process.*
- (e-2) *After making the determination under Subsection (e-1), the court at the time of entering the judgment shall set the amount of bond for an appeal equal to the sum of:*
  - (1) *the amount of the court costs ordered under Subsection (e); and*
  - (2) *the amount of the estimated costs determined under Subsection (e-1).*
- (e-3) *A court may not require a person to provide a bond in an amount greater than or in addition to the amount determined by the court under Subsection (e-2) to perfect an appeal under Section 821.025.*
- (e-4) *Notwithstanding any other law, the amount of court costs that a court may order under Subsection (e) and the amount of bond that a court determines under Subsection (e-2) are excluded in determining the court's jurisdiction under Subtitle A, Title 2, Government Code.*
- (f) *The court may order that an animal disposed of under Subsection (d)(1) or (d)(2) be spayed or neutered at the cost of the receiving party.*
- (g) *The court shall order the animal returned to the owner if the court does not find that the animal's owner has cruelly treated the animal.*

### TEX. HEALTH & SAFETY CODE ANN. § 821.024. Sale or Disposition of Cruelly Treated Animal.

- (a) *Notice of an auction ordered under this subchapter must be posted on a public bulletin board where other public notices are posted for the county or municipality. At the auction, a bid by the former owner of a cruelly treated animal or the owner's representative may not be accepted.*
- (b) *Proceeds from the sale of the animal shall be applied first to any costs owed by the former owner under Section 821.023(e). The officer conducting the auction shall pay any excess proceeds to the justice or municipal court ordering the auction. The court shall return the excess proceeds to the former owner of the animal.*
- (c) *If the officer is unable to sell the animal at auction, the officer may cause the animal to be humanely destroyed or may give the animal to a municipal or county animal shelter or a nonprofit animal welfare organization.*

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### TEX. HEALTH & SAFETY CODE ANN. § 821.025. Appeal.

- (a) An owner divested of ownership of an animal under Section 821.023 may appeal the order to a county court or county court at law in the county in which the justice or municipal court is located.
- (b) *As a condition of perfecting an appeal, not later than the 10th calendar day after the date the order is issued, the owner must file a notice of appeal and a cash bond or surety bond in an amount set by the court under Section 821.023(e-2).*
- (c) Not later than the fifth calendar day after the date the notice of appeal and bond is filed, the court from which the appeal is taken shall deliver a copy of the clerk's record to the clerk of the county court or county court at law to which the appeal is made.
- (d) Not later than the 10th calendar day after the date the county court or county court at law, as appropriate, receives a copy of the clerk's record, the court shall consider the matter de novo and dispose of the appeal. A party to the appeal is entitled to a jury trial on request.
- (e) The decision of the county court or county court at law under this section is final and may not be further appealed.
- (f) Notwithstanding Section 30.00014, Government Code, or any other law, a person filing an appeal from a municipal court under Subsection (a) is not required to file a motion for a new trial to perfect an appeal.
- (g) Notwithstanding any other law, a county court or a county court at law has jurisdiction to hear an appeal filed under this section.
- (h) While an appeal under this section is pending, the animal may not be:
  - (1) sold or given away as provided by Sections 821.023 and 821.024; or
  - (2) destroyed, except under circumstances which would require the humane destruction of the animal to prevent undue pain to or suffering of the animal.

## ANIMAL PROTECTION LAWS OF TEXAS

### 15. FORFEITURE & POSSESSION BANS

#### TEX. HEALTH & SAFETY CODE ANN. § 821.021. Definitions.

*In this subchapter:*

- (1) *“Cruelly treated” includes tortured, seriously overworked, unreasonably abandoned, unreasonably deprived of necessary food, care, or shelter, cruelly confined, caused to fight with another animal, or subjected to conduct prohibited by Section 21.09, Penal Code.*
- (2) *“Nonprofit animal welfare organization” means a nonprofit organization that has as its purpose:*
  - (A) *the prevention of cruelty to animals; or*
  - (B) *the sheltering of, caring for, and providing homes for lost, stray, and abandoned animals.*
- (3) *“Owner” includes a person who owns or has custody or control of an animal.*

#### TEX. HEALTH & SAFETY CODE ANN. § 821.023. Hearing; Order of Disposition or Return of Animal.

- (a) A finding in a court of competent jurisdiction that the owner of an animal is guilty of an offense under Section 42.09 or 42.092, Penal Code, involving the animal is prima facie evidence at a hearing authorized by Section 821.022 that the animal has been cruelly treated.
- (a-1) A finding in a court of competent jurisdiction that a person is guilty of an offense under Section 21.09, Penal Code, is prima facie evidence at a hearing authorized by Section 821.022 that any animal in the person's possession has been cruelly treated, regardless of whether the animal was subjected to conduct prohibited by Section 21.09, Penal Code.
- (b) Repealed by Acts 2017, 85th Leg., ch. 576 (S.B. 762), § 2 and Acts 2017, 85th Leg., ch. 739 (S.B. 1232), § 8.
- (c) Each interested party is entitled to an opportunity to present evidence at the hearing.
- (d) *If the court finds that the animal’s owner has cruelly treated the animal, the owner shall be divested of ownership of the animal, and the court shall:*
  - (1) *order a public sale of the animal by auction;*
  - (2) *order the animal given to a municipal or county animal shelter or a nonprofit animal welfare organization; or*
  - (3) *order the animal humanely destroyed if the court decides that the best interests of the animal or that the public health and safety would be served by doing so.*
- (e) After a court finds that an animal’s owner has cruelly treated the animal, the court shall order the owner to pay all court costs, including:
  - (1) the administrative costs of:
    - (A) investigation;

## ANIMAL PROTECTION LAWS OF TEXAS

- (B) expert witnesses; and
- (C) conducting any public sale ordered by the court; and
- (2) the costs incurred by a municipal or county animal shelter or a nonprofit animal welfare organization in:
  - (A) housing and caring for the animal during its impoundment; and
  - (B) humanely destroying the animal if destruction is ordered by the court.
- (e-1) After a court finds that an animal's owner has cruelly treated the animal, the court shall determine the estimated costs likely to be incurred by a municipal or county animal shelter or a nonprofit animal welfare organization to house and care for the impounded animal during the appeal process.
- (e-2) After making the determination under Subsection (e-1), the court at the time of entering the judgment shall set the amount of bond for an appeal equal to the sum of:
  - (1) the amount of the court costs ordered under Subsection (e); and
  - (2) the amount of the estimated costs determined under Subsection (e-1).
- (e-3) A court may not require a person to provide a bond in an amount greater than or in addition to the amount determined by the court under Subsection (e-2) to perfect an appeal under Section 821.025.
- (e-4) Notwithstanding any other law, the amount of court costs that a court may order under Subsection (e) and the amount of bond that a court determines under Subsection (e-2) are excluded in determining the court's jurisdiction under Subtitle A, Title 2, Government Code.
- (f) The court may order that an animal disposed of under Subsection (d)(1) or (d)(2) be spayed or neutered at the cost of the receiving party.
- (g) The court shall order the animal returned to the owner if the court does not find that the animal's owner has cruelly treated the animal.

### TEX. HEALTH & SAFETY CODE ANN. § 821.024. Sale or Disposition of Cruelly Treated Animal.

- (a) *Notice of an auction ordered under this subchapter must be posted on a public bulletin board where other public notices are posted for the county or municipality. At the auction, a bid by the former owner of a cruelly treated animal or the owner's representative may not be accepted.*
- (b) Proceeds from the sale of the animal shall be applied first to any costs owed by the former owner under Section 821.023(e). The officer conducting the auction shall pay any excess proceeds to the justice or municipal court ordering the auction. The court shall return the excess proceeds to the former owner of the animal.
- (c) *If the officer is unable to sell the animal at auction, the officer may cause the animal to be humanely destroyed or may give the animal to a municipal or county animal shelter or a nonprofit animal welfare organization.*

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### TEX. HEALTH & SAFETY CODE ANN. § 821.025. Appeal.

- (a) An owner divested of ownership of an animal under Section 821.023 may appeal the order to a county court or county court at law in the county in which the justice or municipal court is located.
- (b) As a condition of perfecting an appeal, not later than the 10th calendar day after the date the order is issued, the owner must file a notice of appeal and a cash bond or surety bond in an amount set by the court under Section 821.023(e-2).
- (c) Not later than the fifth calendar day after the date the notice of appeal and bond is filed, the court from which the appeal is taken shall deliver a copy of the clerk's record to the clerk of the county court or county court at law to which the appeal is made.
- (d) Not later than the 10th calendar day after the date the county court or county court at law, as appropriate, receives a copy of the clerk's record, the court shall consider the matter de novo and dispose of the appeal. A party to the appeal is entitled to a jury trial on request.
- (e) The decision of the county court or county court at law under this section is final and may not be further appealed.
- (f) Notwithstanding Section 30.00014, Government Code, or any other law, a person filing an appeal from a municipal court under Subsection (a) is not required to file a motion for a new trial to perfect an appeal.
- (g) Notwithstanding any other law, a county court or a county court at law has jurisdiction to hear an appeal filed under this section.
- (h) *While an appeal under this section is pending, the animal may not be:*
  - (1) *sold or given away as provided by Sections 821.023 and 821.024; or*
  - (2) *destroyed, except under circumstances which would require the humane destruction of the animal to prevent undue pain to or suffering of the animal.*

### TEX. CODE OF CRIM. PROC. ANN. § 42A.511. Community Supervision for Certain Offenses Involving Animals.

- (a) If a judge grants community supervision to a defendant convicted of an offense under Section 42.09, 42.091, 42.092, or 42.10, Penal Code, the judge may require the defendant to:
  - (1) complete an online responsible pet owner course approved and certified by the Texas Department of Licensing and Regulation; or
  - (2) attend a responsible pet owner course sponsored by a municipal animal shelter, as defined by Section 823.001, Health and Safety Code, that:
    - (A) receives federal, state, county, or municipal funds; and
    - (B) serves the county in which the court is located.

## ANIMAL PROTECTION LAWS OF TEXAS

- (b) For purposes of the online responsible pet owner course described by Subsection (a)(1), the Texas Department of Licensing and Regulation or the Texas Commission of Licensing and Regulation, as appropriate:
- (1) is responsible for the approval, certification, and administration of the course and course providers;
  - (2) may charge fees for:
    - (A) initial and renewal course certifications;
    - (B) initial and renewal course provider certifications;
    - (C) course participant completion certificates; and
    - (D) other fees necessary for the administration of the course and course providers;
  - (3) shall adopt rules regarding the administration of the course and course providers, including rules regarding:
    - (A) the criteria for course approval and certification;
    - (B) the criteria for course provider approval and certification;
    - (C) curriculum development;
    - (D) course length and content;
    - (E) criteria for a participant to complete the course; and
    - (F) a course completion certificate that is acceptable to a court;
  - (4) is authorized to monitor and audit the provision of the course by the course providers; and
  - (5) may take enforcement actions as appropriate to enforce this subsection.
- (c) *If a judge grants community supervision to a defendant convicted of an offense under Section 21.09, Penal Code, the judge may:*
- (1) *require the defendant to relinquish custody of any animals in the defendant's possession;*
  - (2) *prohibit the defendant from possessing or exercising control over any animals or residing in a household where animals are present; or*
  - (3) *require the defendant to participate in a psychological counseling or other appropriate treatment program for a period to be determined by the court.*

### TEX. CODE OF CRIM. PROC. CODE ANN. § 59.01. Definitions.

In this chapter:

- (1) "Attorney representing the state" means the prosecutor with felony jurisdiction in the county in which a forfeiture proceeding is held under this chapter or, in a proceeding for forfeiture of contraband as defined under Subdivision (2)(B)(v) of this article, the city attorney of a municipality if the property is seized in that municipality by a peace officer employed by that municipality and the governing body of the municipality has approved procedures for the city attorney acting in a forfeiture proceeding. In a proceeding for forfeiture of contraband as defined under Subdivision (2)(B)(vi) of this article, the term includes the attorney general.



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- (2) “Contraband” means property of any nature, including real, personal, tangible, or intangible, that is:
- (A) used in the commission of:
- (i) any first or second degree felony under the Penal Code;
  - (ii) any felony under Section 15.031(b), 21.11, or 38.04 or Chapter 29, 30, 31, 32, 33, 33A or 35, Penal Code;
  - (iii) any felony under Chapter 43, Penal Code, except as provided by Paragraph (B);
- <Text of (2)(A)(iv) effective until Jan. 1, 2022>
- (iv) any felony under The Securities Act (Article 581-1 et seq., Vernon's Texas Civil Statutes); or
- <Text of (2)(A)(iv) effective until Jan. 1, 2022>
- (iv) any felony under The Securities Act (Title 12, Government Code); or
  - (v) any offense under Chapter 49, Penal Code, that is punishable as a felony of the third degree or state jail felony, if the defendant has been previously convicted three times of an offense under that chapter;
- (B) used or intended to be used in the commission of:
- (i) any felony under Chapter 481, Health and Safety Code (Texas Controlled Substances Act);
  - (ii) any felony under Chapter 483, Health and Safety Code;
  - (iii) a felony under Chapter 151, Finance Code;
  - (iv) any felony under Chapter 20A or 34, Penal Code;
  - (v) a Class A misdemeanor under Subchapter B, Chapter 365, Health and Safety Code, if the defendant has been previously convicted twice of an offense under that subchapter;
  - (vi) any felony under Chapter 32, Human Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that involves a health care program, as defined by Section 35A.01, Penal Code;
  - (vii) a Class B misdemeanor under Chapter 522, Business & Commerce Code;
  - (viii) a Class A misdemeanor under Section 306.051, Business & Commerce Code;
  - (ix) *any offense under Section 42.10, Penal Code;*
  - (x) any offense under Section 46.06(a)(1) or 46.14, Penal Code;
  - (xi) any offense under Chapter 71, Penal Code;
  - (xii) any offense under Section 20.05, 20.06, 20.07, 43.04, or 43.05, Penal Code; or
  - (xiii) an offense under Section 326.002, Business & Commerce Code;
- (C) the proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x), (xi) or (xii) of

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- this subdivision, or a crime of violence;
- (D) acquired with proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x), (xi) or (xii) of this subdivision, or a crime of violence;
- (E) used to facilitate or intended to be used to facilitate the commission of a felony under Section 15.031 or Chapter 43, Penal Code; or
- (F) used to facilitate or intended to be used to facilitate the commission of an offense under Section 20.05, 20.06, or 20.07 or Chapter 20A, Penal Code.
- (3) “Crime of violence” means:
- (A) any criminal offense defined in the Penal Code or in a federal criminal law that results in a personal injury to a victim; or
- (B) an act that is not an offense under the Penal Code involving the operation of a motor vehicle, aircraft, or water vehicle that results in injury or death sustained in an accident caused by a driver in violation of Section 550.021, Transportation Code.
- (4) “Interest holder” means the bona fide holder of a perfected lien or a perfected security interest in property.
- (5) “Law enforcement agency” means an agency of the state or an agency of a political subdivision of the state authorized by law to employ peace officers.
- (6) “Owner” means a person who claims an equitable or legal ownership interest in property.
- (7) “Proceeds” includes income a person accused or convicted of a crime or the person's representative or assignee receives from:
- (A) a movie, book, magazine article, tape recording, phonographic record, radio or television presentation, telephone service, electronic media format, including an Internet website, or live entertainment in which the crime was reenacted; or
- (B) the sale of tangible property the value of which is increased by the notoriety gained from the conviction of an offense by the person accused or convicted of the crime.
- (8) “Seizure” means the restraint of property by a peace officer under Article 59.03(a) or (b) of this code, whether the officer restrains the property by physical force or by a display of the officer's authority, and includes the collection of property or the act of taking possession of property.
- (9) “Depository account” means the obligation of a regulated financial institution to pay the account owner under a written agreement, including a checking account, savings account, money market account, time deposit, NOW account, or certificate of deposit.
- (10) “Primary state or federal financial institution regulator” means the state or federal regulatory agency that chartered and comprehensively regulates a regulated financial institution.
- (11) “Regulated financial institution” means a depository institution chartered by a state or federal government, the deposits of which are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration.

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### 16. COURT-ORDERED TREATMENT

#### TEX. CODE OF CRIM. PROC. ANN. § 42A.511. Community Supervision for Certain Offenses Involving Animals.

- (a) *If a judge grants community supervision to a defendant convicted of an offense under Section 42.09, 42.091, 42.092, or 42.10, Penal Code, the judge may require the defendant to:*
- (1) *complete an online responsible pet owner course approved and certified by the Texas Department of Licensing and Regulation; or*
  - (2) *attend a responsible pet owner course sponsored by a municipal animal shelter, as defined by Section 823.001, Health and Safety Code, that:*
    - (A) *receives federal, state, county, or municipal funds; and*
    - (B) *serves the county in which the court is located.*
- (b) *For purposes of the online responsible pet owner course described by Subsection (a)(1), the Texas Department of Licensing and Regulation or the Texas Commission of Licensing and Regulation, as appropriate:*
- (1) *is responsible for the approval, certification, and administration of the course and course providers;*
  - (2) *may charge fees for:*
    - (A) *initial and renewal course certifications;*
    - (B) *initial and renewal course provider certifications;*
    - (C) *course participant completion certificates; and*
    - (D) *other fees necessary for the administration of the course and course providers;*
  - (3) *shall adopt rules regarding the administration of the course and course providers, including rules regarding:*
    - (A) *the criteria for course approval and certification;*
    - (B) *the criteria for course provider approval and certification;*
    - (C) *curriculum development;*
    - (D) *course length and content;*
    - (E) *criteria for a participant to complete the course; and*
    - (F) *a course completion certificate that is acceptable to a court;*
  - (4) *is authorized to monitor and audit the provision of the course by the course providers; and*
  - (5) *may take enforcement actions as appropriate to enforce this subsection.*
- (c) *If a judge grants community supervision to a defendant convicted of an offense under Section 21.09, Penal Code, the judge may:*
- (1) *require the defendant to relinquish custody of any animals in the defendant's possession;*
  - (2) *prohibit the defendant from possessing or exercising control over any animals or residing in a household where animals are present; or*

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*(3) require the defendant to participate in a psychological counseling or other appropriate treatment program for a period to be determined by the court.*

### **TEX. FAM. CODE ANN. § 54.0407. Cruelty to Animals: Counseling Required.**

*If a child is found to have engaged in delinquent conduct constituting an offense under Section 42.09 or 42.092, Penal Code, the juvenile court shall order the child to participate in psychological counseling for a period to be determined by the court.*

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**17. HOT CARS**

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**18. CIVIL NUISANCE ABATEMENT**

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**ANIMAL PROTECTION LAWS OF TEXAS**

**19. AG-GAG LAWS**

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### 20. BREED SPECIFIC LEGISLATION

#### **Tex. Health & Safety Code Ann. § 822.047. Local Regulation of Dangerous Dogs.**

*A county or municipality may place additional requirements or restrictions on dangerous dogs if the requirements or restrictions:*

- (1) are not specific to one breed or several breeds of dogs; and*
- (2) are more stringent than restrictions provided by this subchapter.*