



FAMILY VIOLENCE AND VIOLENT ANIMAL CRUELTY BILL – S.B. 762/H.B. 1357

BACKGROUND

Animal cruelty (the crime of inflicting physical pain, suffering or death on an animal) occurs in Texas at an alarming rate and as you read this, animals throughout this state are being abused, tortured, or severely neglected. Animal cruelty is a despicable and violent act of wrong doing. But it is proven to serve as a precursor to human violence and the torture of an animal is a common tool used by perpetrators of family violence. In fact, Texas courts now include in their protective orders the protection of both family members and their pets. For the past twenty years, THLN has been instrumental in helping pass the animal cruelty statute and subsequent amendments including:

- A bill that increased the penalty for a third animal cruelty offense from a Class A misdemeanor to a state jail felony (SB 143, passed 1997);
- A bill that increased the penalty for aggravated acts of animal cruelty from a Class A misdemeanor to a state jail felony, and from a state jail felony to a third-degree felony on the third conviction (HB 653/SB 1724, passed 2001);
- A bill that makes it a felony to kill, administer poison to, or cause serious bodily injury to homeless dogs and feral cats (HB 2328, passed 2007). It also closed numerous loopholes in the existing Cruelty Statute, and lowered the mental state for proof of animal cruelty to reckless, which makes it easier to prove animal abuse. It also added water to the list of required care elements for an animal in someone's custody.

The last time changes were made to the bill occurred in 2007 and the time is now to strengthen the animal cruelty statute (1) to increase the punishment for violent animal cruelty offenses; and (2) to include animal cruelty as a family violence crime under circumstances involving family members.

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The current punishment for violent animal cruelty offenses is a state jail felony which carries a penalty of imprisonment for a term of not more than 2 years or less than 180 days. The bill will increase the punishment for those types of offenses as follows: (a) if the act involves the torturing, or cruelly killing or causing serious bodily injury to an animal, the punishment will be increased to a third-degree felony which carries a penalty of imprisonment for a term of not more than 10 years or less than 2 years; (b) if the act involves the killing, poisoning or causing serious bodily injury to another person's animal without the owner's consent, the punishment will be increased to a third-degree felony which carries a penalty of imprisonment for a term of not more than 10 years or less than 2 years; and (c) if the person has previously been convicted of animal cruelty, the punishment will be further increased to the next highest degree felony. Additionally, if the animal cruelty involves a family pet in connection with family violence, these bills will allow the judge to include that information as part of the written judgment. This allows a court to sentence the defendant to a higher punishment in any future conviction involving family violence. It is important to note that these changes focus only on the most heinous and most violent of the animal abuse crimes.

SUMMARY

THLN has made much progress through incremental change to the Texas animal cruelty statute. But the time is now to strengthen it again as animal cruelty is being taken very seriously. All fifty states have felony animal cruelty provisions, the FBI now includes animal cruelty offenses in the Uniform Crime Report and the link between animal cruelty and domestic violence is well documented.

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