

1-1 By: Kolkhorst S.B. No. 1884  
1-2 (In the Senate - Filed March 7, 2019; March 18, 2019, read  
1-3 first time and referred to Committee on Agriculture; May 1, 2019,  
1-4 reported adversely, with favorable Committee Substitute by the  
1-5 following vote: Yeas 3, Nays 0; May 1, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8			X	
1-9	X			
1-10	X			
1-11	X			
1-12			X	

1-13 COMMITTEE SUBSTITUTE FOR S.B. No. 1884 By: Hinojosa

1-14 A BILL TO BE ENTITLED  
1-15 AN ACT

1-16 relating to the protection of animal and crop facilities; creating  
1-17 a criminal offense.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Title 8, Agriculture Code, is amended by adding  
1-20 Chapter 252 to read as follows:

1-21 CHAPTER 252. ANIMAL AND CROP FACILITIES

1-22 Sec. 252.001. DEFINITIONS. In this chapter:

1-23 (1) "Animal" means poultry, livestock, and other  
1-24 domestic and wild animals. The term does not include an animal used  
1-25 for illegal gaming.

1-26 (2) "Animal or crop facility" means a facility that is  
1-27 used in the agricultural production of animals or crops. The term  
1-28 includes:

1-29 (A) a tractor, trailer, farm implement of  
1-30 husbandry, building, greenhouse, structure, laboratory, pasture,  
1-31 field, paddock, pond, impoundment, or premises where animals or  
1-32 crops are located;

1-33 (B) a managed bee colony; and

1-34 (C) a livestock market.

1-35 (3) "Crop" includes a shrub, vine, tree, seedling,  
1-36 shoot, slip, or other plant capable of producing food, fiber,  
1-37 medicine, nursery stock, floral products, or aesthetic beauty.

1-38 Sec. 252.002. CRIMINAL OFFENSE. (a) A person commits an  
1-39 offense if the person:

1-40 (1) intentionally releases, steals, destroys, or  
1-41 otherwise causes the loss of an animal or crop from an animal or  
1-42 crop facility without the consent of the owner or operator of the  
1-43 animal or crop facility;

1-44 (2) damages, vandalizes, or steals any property on or  
1-45 from an animal or crop facility;

1-46 (3) breaks and enters into an animal or crop facility  
1-47 with the intent to destroy or alter records, data, materials,  
1-48 equipment, animals, or crops;

1-49 (4) knowingly obtains control by theft or deception or  
1-50 exerts unauthorized control over any materials, equipment,  
1-51 animals, or crops of an animal or crop facility for the purpose of  
1-52 depriving the owner or operator of the facility or the facility of  
1-53 materials, equipment, animals, or crops; or

1-54 (5) enters or remains on an animal or crop facility  
1-55 with the intent to commit an act prohibited under this section.

1-56 (b) An offense under this section is:

1-57 (1) a Class B misdemeanor if the actor causes a loss to  
1-58 the animal or crop facility in an amount of \$2,500 or less; or

1-59 (2) a Class A misdemeanor if the actor causes a loss to  
1-60 the animal or crop facility in an amount more than \$2,500.

2-1 (c) Except as provided by Subsection (d), if conduct  
2-2 constituting an offense under this section also constitutes an  
2-3 offense under another provision of law, the person may be  
2-4 prosecuted under either this section or the other provision.

2-5 (d) If conduct that constitutes an offense under this  
2-6 section also constitutes a felony under Section 28.03 or 31.03,  
2-7 Penal Code, the actor may be prosecuted only under Section 28.03 or  
2-8 31.03, Penal Code.

2-9 Sec. 252.003. MANDATORY RESTITUTION. (a) The court shall  
2-10 order a defendant convicted of an offense under Section 252.002 to  
2-11 pay restitution to the owner or operator of the animal or crop  
2-12 facility in an amount equal to the amount of the loss caused by the  
2-13 actor, including the value of any animal or crop damaged,  
2-14 destroyed, or lost.

2-15 (b) The court shall, after considering the financial  
2-16 circumstances of the defendant, specify in a restitution order  
2-17 issued under Subsection (a) the manner in which the defendant must  
2-18 pay the restitution.

2-19 (c) A restitution order issued under Subsection (a) may be  
2-20 enforced by the state or a victim named in the order to receive the  
2-21 restitution in the same manner as a judgment in a civil action. A  
2-22 victim may recover court costs and reasonable attorney's fees  
2-23 incurred in enforcing a restitution order as provided by this  
2-24 subsection.

2-25 (d) The court may hold a hearing, make findings of fact, and  
2-26 amend a restitution order issued under Subsection (a) if the  
2-27 defendant fails to pay the victim named in the order in the manner  
2-28 specified by the court.

2-29 Sec. 252.004. INJUNCTIVE RELIEF. (a) The owner or operator  
2-30 of an animal or crop facility may bring an action for injunctive  
2-31 relief against a person who engages or threatens to engage in  
2-32 conduct that constitutes an offense under Section 252.002.

2-33 (b) The action may be brought in a district court in a county  
2-34 in which any part of the conduct or threatened conduct occurs.

2-35 (c) The court may grant any appropriate injunctive relief to  
2-36 prevent or abate the conduct or threatened conduct, including a  
2-37 temporary restraining order, temporary injunction, or permanent  
2-38 injunction.

2-39 SECTION 2. This Act takes effect September 1, 2019.

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