

1 AN ACT

2 relating to the prosecution of, punishment for, and deterrence of
3 certain offenses involving cattle, bison, or horses; authorizing an
4 administrative penalty; authorizing an assessment; increasing a
5 criminal penalty.

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

7 SECTION 1. Subtitle B, Title 6, Agriculture Code, is
8 amended by adding Chapter 153 to read as follows:

9 CHAPTER 153. PREVENTION AND INVESTIGATION OF CATTLE THEFT

10 Sec. 153.001. DEFINITIONS. In this chapter:

11 (1) "Association" means the Texas and Southwestern
12 Cattle Raisers Association.

13 (2) "Program" means the inspection program
14 established by department rule under Section 153.002.

15 Sec. 153.002. ESTABLISHMENT OF PROGRAM. (a) The
16 department by rule shall establish a cattle inspection program to
17 discourage and investigate property crimes involving cattle in this
18 state:

19 (1) on request by the association; and

20 (2) if a similar program authorized by federal law is
21 canceled, suspended, repealed, or otherwise scheduled for
22 discontinuation.

23 (b) The program must utilize existing cattle industry
24 infrastructure to the extent possible.

1 (c) The department shall establish an advisory committee to
2 advise the department on program rules. At least once every two
3 years, the advisory committee shall review the program rules and
4 submit findings and recommendations to the department.

5 Sec. 153.003. INSPECTIONS. Program rules must authorize
6 the special rangers appointed under Article 2.125, Code of Criminal
7 Procedure, and other association employees designated by the
8 special rangers, to inspect and record brands and other identifying
9 characteristics of cattle at livestock auction markets.

10 Sec. 153.004. ASSESSMENT. (a) Program rules must
11 establish a per-head regulatory assessment in an amount necessary
12 to reimburse the association for direct costs incurred under this
13 chapter.

14 (b) In determining the amount of the assessment, the
15 department shall consider:

16 (1) the amount of similar assessments or charges
17 authorized by the laws of other states or the United States;

18 (2) the direct operating costs of the program; and

19 (3) the expertise required to operate the program.

20 (c) On request by the association, the department shall
21 review the amount of the assessment and consider any necessary
22 revision.

23 (d) Each livestock auction market shall collect the
24 assessment and remit the amount collected to the association.

25 (e) Assessments collected under this section are not state
26 funds and are not required to be deposited in the state treasury.

27 (f) A person who has possession, custody, or control of an

1 assessment collected under this section and not remitted to the
2 association before the 31st day after the date collected is subject
3 to an administrative penalty in an amount provided by department
4 rule.

5 Sec. 153.005. STATE OVERSIGHT. (a) The department must
6 approve the association's budget for the program each year.

7 (b) The department shall review and act on the association's
8 budget for the program each year not later than the 45th day after
9 the date the association submits the budget to the department.

10 (c) The department or the state auditor may inspect the
11 association's financial records related to the program at any time.

12 SECTION 2. Section 28.03, Penal Code, is amended by
13 amending Subsection (b) and adding Subsection (k) to read as
14 follows:

15 (b) Except as provided by Subsections (f) and (h), an
16 offense under this section is:

17 (1) a Class C misdemeanor if:

18 (A) the amount of pecuniary loss is less than
19 \$100; or

20 (B) except as provided in Subdivision (3)(A) or
21 (3)(B), it causes substantial inconvenience to others;

22 (2) a Class B misdemeanor if the amount of pecuniary
23 loss is \$100 or more but less than \$750;

24 (3) a Class A misdemeanor if:

25 (A) the amount of pecuniary loss is \$750 or more
26 but less than \$2,500; or

27 (B) the actor causes in whole or in part

1 impairment or interruption of any public water supply, or causes to
2 be diverted in whole, in part, or in any manner, including
3 installation or removal of any device for any such purpose, any
4 public water supply, regardless of the amount of the pecuniary
5 loss;

6 (4) a state jail felony if the amount of pecuniary loss
7 is:

8 (A) \$2,500 or more but less than \$30,000;

9 (B) less than \$2,500, if the property damaged or
10 destroyed is a habitation and if the damage or destruction is caused
11 by a firearm or explosive weapon;

12 (C) less than \$2,500, if the property was a fence
13 used for the production or containment of:

14 (i) cattle, bison, horses, sheep, swine,
15 goats, exotic livestock, or exotic poultry; or

16 (ii) game animals as that term is defined by
17 Section 63.001, Parks and Wildlife Code; or

18 (D) less than \$30,000 and the actor causes wholly
19 or partly impairment or interruption of public communications,
20 public transportation, public gas or power supply, or other public
21 service, or causes to be diverted wholly, partly, or in any manner,
22 including installation or removal of any device for any such
23 purpose, any public communications or public gas or power supply;

24 (5) a felony of the third degree if:

25 (A) the amount of the pecuniary loss is \$30,000
26 or more but less than \$150,000; or

27 (B) the actor, by discharging a firearm or other

1 weapon or by any other means, causes the death of one or more head of
2 cattle or bison or one or more horses;

3 (6) a felony of the second degree if the amount of
4 pecuniary loss is \$150,000 or more but less than \$300,000; or

5 (7) a felony of the first degree if the amount of
6 pecuniary loss is \$300,000 or more.

7 (k) Subsection (a)(1) or (2) does not apply if the tangible
8 personal property of the owner was a head of cattle or bison killed,
9 or a horse killed, in the course of the actor's:

10 (1) actual discharge of official duties as a member of
11 the United States armed forces or the state military forces as
12 defined by Section 437.001, Government Code; or

13 (2) regular agricultural labor duties and practices.

14 SECTION 3. Section 28.03, Penal Code, as amended by this
15 Act, applies only to an offense committed on or after the effective
16 date of this Act. An offense committed before the effective date of
17 this Act is governed by the law in effect on the date the offense was
18 committed, and the former law is continued in effect for that
19 purpose. For purposes of this section, an offense was committed
20 before the effective date of this Act if any element of the offense
21 occurred before that date.

22 SECTION 4. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 2817 was passed by the House on May 3, 2017, by the following vote: Yeas 120, Nays 26, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2817 on May 26, 2017, by the following vote: Yeas 129, Nays 16, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2817 was passed by the Senate, with amendments, on May 24, 2017, by the following vote: Yeas 28, Nays 3.

Secretary of the Senate

APPROVED: _____

Date

Governor