



Compendium of U.S. Animal Protection Laws

Texas



SUBSTANTIVE PROHIBITIONS AND EXEMPTIONS

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This chapter contains Texas’ general animal protection and related statutes with an effective date on or before September 1, 2025. 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.

ANIMAL PROTECTION LAWS OF TEXAS

Texas Laws

SUBSTANTIVE PROHIBITIONS AND EXEMPTIONS

<p>1. Definition of “Animal”</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.” TEX. PENAL CODE § 42.092(a)(2)</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. TEX. PENAL CODE § 42.09(b)(5)</p>
<p>2. General Cruelty</p>	<p>Definitions of unlawful restrain of dog. TEX. HEALTH & SAFETY CODE § 821.101</p> <p>Unlawful restrain of dogs. TEX. HEALTH & SAFETY CODE § 821.102 <i>1st offense: Class C misdemeanor.</i> <i>Subsequent offenses: Class B misdemeanor.</i></p> <p>Exemptions to tethering laws. TEX. HEALTH & SAFETY CODE § 821.103</p> <p>Definitions of cruelty to non-livestock animals. TEX. PENAL CODE § 42.092(a)</p> <p>Cruelty to non-livestock animals: Neglect, abandonment, cruel transportation, causing bodily injury without owner consent, or seriously overworking the animal. TEX. PENAL CODE § 42.092(b)(3),(4),(5),(6),(9) <i>1st and 2nd offenses: Class A misdemeanor.</i> <i>Subsequent offenses (including both TEX. PENAL CODE §§ 42.09 and 42.092 offenses): State jail felony.</i></p> <p>Cruelty to non-livestock animals: Torture, killing, poisoning, or causing serious bodily injury. TEX. PENAL CODE § 42.092(b)(1),(2) <i>1st offense: 3rd degree felony.</i> <i>Subsequent offenses (including offenses, pursuant to TEX. PENAL CODE § 42.09): 2nd degree felony.</i></p>

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	<p>Cruelty to non-livestock animals: Using a live animal as a lure in dog races. TEX. PENAL CODE § 42.092(b)(7),(8) <i>1st offense: State jail felony.</i> <i>Subsequent offenses (including offenses, pursuant to TEX. PENAL CODE § 42.09): 3rd degree felony.</i></p> <p>Exemptions: Research animals, wildlife, accepted farm animal husbandry practices, slaughter, other. TEX. PENAL CODE § 42.092(c)-(f)</p>
<p>3. Animal Fighting</p>	<p>NOTE: For procedural matters relating to the seizure and forfeiture of animals used in fighting, see those respective sections of this document.</p> <p>Any property, real or personal, used or intended to be used in the commission of dogfighting is contraband. TEXAS CRIM. PRO. ART. 59.01(2)(B)(ix)</p> <p>Causing an animal fight. TEX. PENAL CODE §§ 42.09(a)(6), 42.092(b)(7) <i>1st and 2nd offenses: State jail felony.</i> <i>Subsequent offenses: 3rd degree felony.</i></p> <p>Dogfighting: Owning or possessing dogfighting equipment for dogfighting, owning or training a dog for fighting, spectatorship. TEX. PENAL CODE § 42.10(a)(1),(2),(3) <i>Class A misdemeanor</i></p> <p>Dogfighting, participating in earnings from dogfighting, or permitting dogfighting on property. TEX. PENAL CODE § 42.10(a)(4),(5),(6) <i>State jail felony</i></p> <p>Cockfighting; participating in earnings from cockfight. TEX. PENAL CODE § 42.105(b)(1),(2) <i>State jail felony</i></p> <p>Permitting cockfighting on property, owning or training a cock for fighting, making/selling equipment for cockfighting. TEX. PENAL CODE § 42.105(b)(3),(4),(5) <i>Class A misdemeanor</i></p>

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	<p>Spectatorship at a cockfight. TEX. PENAL CODE § 42.105(b)(6) <i>1st offense: Class C misdemeanor.</i> <i>Subsequent offenses: Class A misdemeanor.</i></p> <p>Dog fighting qualifies as engaging in organized criminal activity. TEX. PENAL CODE § 71.02(a)(15)</p> <p>Exemptions: Cockfighting: Research, accepted farm animal husbandry practices, other; actor is younger than 15-years-old. TEX. PENAL CODE. § 42.105(e),(f)</p>
<p>4. Sexual Assault</p>	<p>Bestiality. TEX. PENAL CODE § 21.09 <i>Generally: State jail felony.</i> <i>If causing serious bodily injury or death: 2nd degree felony.</i></p> <p>Bestiality is a reportable sex offense. TEXAS CRIM. PRO. ART. 62.001(5)(A)</p>
<p>5. Cruelty to Working Animals</p>	<p>Interfering with a police service animal. TEX. PENAL CODE § 38.151 <i>Taunt/torment: Class C misdemeanor.</i> <i>Throw object/substance at animal: 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: 2nd degree felony.</i></p> <p>Attacking, injuring or killing an assistance animal. TEX. PENAL CODE § 42.091 <i>Attack: Class A misdemeanor.</i> <i>Injure: State jail felony.</i> <i>Kill: 3rd degree felony.</i></p>
<p>6. Laws Specific to Farmed Animals</p>	<p>Cruelty to livestock animals: Neglect, abandonment, cruel transportation, or overworking. TEX. PENAL CODE § 42.09(a)(2),(3),(4),(9) <i>1st and 2nd offenses: Class A misdemeanor.</i></p>

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	<p><i>Subsequent offenses (including both TEX. PENAL CODE §§ 42.09 and 42.092 offenses): State jail felony.</i></p> <p>Cruelty to livestock animals: Torture, poison, fighting, dog racing or horse tripping. TEX. PENAL CODE § 42.09(a)(1),(5),(6),(7),(8) <i>1st and 2nd offenses: State jail felony.</i></p> <p><i>Subsequent offenses (including both TEX. PENAL CODE §§ 42.09 and 42.092 offenses): 3rd degree felony.</i></p> <p>Exemptions: Research, wildlife, accepted farm animal husbandry practices, slaughter, other. TEX. PENAL CODE § 42.09(d)-(f)</p>
<p>7. Cruel Hunting, Trapping, and Fishing</p>	<p>General prohibition against hunting or catching animals except as permitted. TEX. PARKS & WILD § 61.021</p> <p>Unlawful to hunt deer with dogs. TEX. PARKS & WILD § 62.0065</p> <p>Canned hunts prohibited. TEX. PARKS & WILD § 62.102</p> <p>Unlawful to hunt a bat. TEX. PARKS & WILD § 63.101</p> <p>Unlawful to kill or injury non-game birds, or destroy nests or eggs. TEX. PARKS & WILD § 64.002</p> <p>Unlawful to destroy nests or eggs. TEX. PARKS & WILD § 64.003</p> <p>General prohibition against hunting migratory birds except as permitted. TEX. PARKS & WILD § 64.026</p> <p>Unlawful to fish with explosives or electric shock. TEX. PARKS & WILD §§ 66.003, 66.004</p> <p>Leaving fish to die. TEX. PARKS & WILD § 66.011</p>

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REPORTING LAWS	
8. Cross Reporting	[None]
9. Veterinary Reporting	Veterinarians are immune from civil or criminal liability for good faith reporting of suspected animal cruelty. TEX. OCC. CODE §§ 801.353, 801.3585
10. “Ag-Gag” Laws	[None]
CIVIL AND CIVILIAN INTERVENTION	
11. Emergency Rescue and Relief	[None]
12. Civil Enforcement	[None]
13. Domestic Relations	A court may prohibit a defendant from harming/threatening/ interfering with the care/custody/control of a pet, companion animal, or assistance animal. TEX. FAM. CODE §§ 85.021(1)(C), 85.022(b)(7)
CRIMINAL JUSTICE INTERVENTION	
14. Maximum Penalties and Statute of Limitations	<p>2nd degree felony. <i>20 years imprisonment and \$10,000 fine</i> TEX. PENAL CODE § 12.33</p> <p>3rd degree felony. <i>10 years imprisonment and \$10,000 fine</i> TEX. PENAL CODE § 12.34</p> <p>State jail felony. <i>2 years jail and \$10,000 fine</i> TEX. PENAL CODE § 12.35</p> <p>Class A misdemeanor. <i>1 year jail and/or \$4,000 fine</i> TEX. PENAL CODE § 12.21</p> <p>Class B misdemeanor. <i>180 days jail and \$2,000 fine</i> TEX. PENAL CODE § 12.22</p>

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	<p>Class C misdemeanor. <i>\$500 fine</i> TEX. PENAL CODE § 12.23</p> <p>Statute of limitations. <i>Misdemeanor: 2 years.</i> TEXAS CRIM. PRO. ART. 12.02 <i>Felony: 3 years.</i> TEXAS CRIM. PRO. ART. 12.01</p>
15. Law Enforcement Policies	[None]
16. Seizure	<p>Definitions. TEX. HEALTH & SAFETY CODE § 821.021</p> <p>A court may issue a peace officer or animal control officer a warrant to seize cruelly treated animals for probable cause. TEX. HEALTH & SAFETY CODE § 821.022</p> <p>Property used in the commission of dog fighting is contraband and may be seized under contraband provisions. TEX. CRIM. PRO. ART. 59.01(2)(B)(x)</p>
17. Courtroom Animal Advocate Program	[None]
18. Restitution and Reimbursement	<p>Definition of “cruelly treated.” TEX. HEALTH & SAFETY CODE § 821.021</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. TEX. HEALTH & SAFETY CODE § 821.023(e)-(e-4)</p> <p>Proceeds from the sale of an impounded animal shall first be applied to paying the costs of its care. TEX. HEALTH & SAFETY CODE § 821.024(b)</p>

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	<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.</p> <p>TEX. HEALTH & SAFETY CODE § 821.025(b)</p>
<p>19. Forfeiture and Possession Bans</p>	<p>Definitions.</p> <p>TEX. HEALTH & SAFETY CODE § 821.021</p> <p>If a court finds that an animal's owner has cruelly treated the animal, the owner shall be divested of ownership.</p> <p>TEX. HEALTH & SAFETY CODE § 821.023(d)</p> <p>If the officer conducting an auction of cruelly treated animals is unable to sell the animals, the officer may give them to a nonprofit animal shelter, pound, or society for the protection of animals.</p> <p>TEX. HEALTH & SAFETY CODE § 821.024(a),(c)</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.</p> <p>TEX. HEALTH & SAFETY CODE § 821.025(h)</p> <p>No person convicted of an offense, pursuant to TEX. PENAL CODE §§ 42.091, 42.092, or 42.10, or any substantially similar statute in another state or federal jurisdiction, may own or exercise control over an animal within 5 years of their conviction.</p> <p>TEX. CRIM. PRO. ART. 42.107</p> <p><i>First offense: Class C misdemeanor.</i></p> <p><i>Subsequent offense: Class B misdemeanor.</i></p> <p>If a court grants community supervision to a defendant convicted of TEX. CRIM. PRO. ARTS. 21.09, 42.091, 42.092, 42.10, or 42.105, the court may require the defendant to relinquish custody of any animal(s) in their possession and prohibit the defendant from possessing, exercising control over, or residing in a household with an animal(s).</p> <p>TEX. CRIM. PRO. ART. 42A.511(c)</p> <p>Property used in the commission of dog fighting is contraband and may be forfeited under contraband provisions.</p> <p>TEX. CRIM. PRO. ART. 59.01(2)(B)(ix)</p>
<p>20. Rehabilitative Sentencing</p>	<p>If a court grants community supervision to a person convicted of an offense, pursuant to TEX. CRIM. PRO. ARTS. 42.09, 42.091, 42.092, or 42.10, the court may require the person to attend an approved and certified responsible pet owner</p>

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TEX. CRIM. PRO. ART. 42A.511(a),(b)

If a court grants community supervision to a defendant convicted of TEX. CRIM. PRO. ARTS. 21.09, 42.091, 42.092, 42.10, or 42.105, the court may require the defendant to participate in psychological counseling or an appropriate treatment program.

TEX. CRIM. PRO. ART. 42A.511(c)

A court shall order juvenile offenders to participate in psychological counseling.

TEX. FAM. CODE § 54.0407

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1. DEFINITION OF “ANIMAL”

TEX. PENAL CODE § 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.
 - (9) “Trap-Neuter-Return Program” means a nonlethal population control practice in which an animal is:
 - (A) trapped;
 - (B) evaluated by a veterinarian;
 - (C) if unvaccinated, vaccinated by a veterinarian;
 - (D) if unsterilized, sterilized by a veterinarian;
 - (E) marked by a veterinarian, whether by notching or tipping one ear or otherwise; and
 - (F) returned to the trap location.
 - (10) “Veterinarian” shall have the same meaning as set forth in Section 801.002, Occupations Code.
- (b) A person commits an offense if the person intentionally, knowingly, recklessly, or with criminal negligence:
- (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.

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- (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.
- (d-1) It is a defense to prosecution for alleged criminal negligence that the conduct occurred during the actual discharge of the actor's duties while employed as a veterinarian licensed under Chapter 801, Occupations Code, or as a person assisting the veterinarian.
- (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.
- (e-1) It is a defense to prosecution under Subsection (b)(4) that the actor released or returned a stray or feral animal which is not a wild living creature pursuant to a Trap-Neuter-Return Program.
- (e-2) It is a defense to prosecution under Subsection (b)(4) that the actor released or returned a previously trapped wild living creature in accordance with Texas wildlife laws and regulations.
- (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 § 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,

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- 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 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 § 821.101.

In this subchapter:

- (1) "Adequate shelter" means a sturdy structure:
 - (A) that provides the dog protection from inclement weather; and
 - (B) with dimensions that allow the dog while in the shelter to stand erect, sit, turn around, and lie down in a normal position.
- (2) "Collar" means a band of material specifically designed to be placed around the neck of a dog.
- (3) "Harness" means a set of straps constructed of nylon, leather, or similar material, specifically designed to restrain or control a dog.
- (4) "Inclement weather" includes rain, hail, sleet, snow, high winds, extreme low temperatures, or extreme high temperatures.
- (5) "Owner" means a person who owns or has custody or control of a dog.
- (6) "Properly fitted" means, with respect to a collar or harness, a collar or harness that:
 - (A) is appropriately sized for the dog based on the dog's measurements and body weight;
 - (B) does not choke the dog or impede the dog's normal breathing or swallowing; and
 - (C) does not cause pain or injury to the dog.
- (7) "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 § 821.102. Unlawful restraint of dog; offense.

- (a) An owner may not leave a dog outside and unattended by use of a restraint unless the owner provides the dog access to:
 - (1) adequate shelter;
 - (2) an area that allows the dog to avoid standing water and exposure to excessive animal waste;
 - (3) shade from direct sunlight; and
 - (4) potable water.
- (b) An owner may not restrain a dog outside and unattended by use of a restraint that:
 - (1) is a chain;
 - (2) has weights attached;
 - (3) is shorter in length 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; or
 - (4) is attached to a collar or harness not properly fitted.
- (c) A person commits an offense if the person knowingly violates this section. The restraint of each dog that is in violation is a separate offense.
- (d) An offense under this section is a Class C misdemeanor, except that the offense is a Class B

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misdemeanor if the person has previously been convicted under this section.

- (e) 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. HEALTH & SAFETY CODE § 821.103. Exceptions.

- (a) *Section 821.102 does not apply to:*
- (1) *the use of a restraint on a dog in a public camping or recreational area in compliance with the requirements of the public camping or recreational area as defined by a federal, state, or local authority or jurisdiction;*
 - (2) *the use of a restraint on a dog while the owner and dog engage in, or actively train for, an activity conducted under a valid license issued by this state provided the activity is associated with the use or presence of a dog;*
 - (3) *the use of a restraint on a dog while the owner and dog engage in conduct directly related to the business of shepherding or herding cattle or livestock;*
 - (4) *the use of a restraint on a dog while the owner and dog engage in conduct directly related to the business of cultivating agricultural products;*
 - (5) *a dog left unattended in an open-air truck bed only for the time reasonably necessary for the owner to complete a temporary task that requires the dog to be left unattended in the truck bed;*
 - (6) *a dog taken by the owner, or another person with the owner's permission, from the owner's residence or property and restrained by the owner or the person for not longer than the time necessary for the owner to engage in an activity that requires the dog to be temporarily restrained; or*
 - (7) *a dog restrained while the owner and dog are engaged in, or actively training for, hunting or field trialing.*
- (b) *Section 821.102(b)(3) does not apply to a restraint attached to a trolley system that allows a dog to move along a running line for a distance equal to or greater than the lengths specified under that subdivision.*
- (c) *This subchapter does not prohibit a person from walking a dog with a handheld leash.*

TEX. PENAL CODE § 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.*

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- (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.*
 - (9) *“Trap-Neuter-Return Program” means a nonlethal population control practice in which an animal is:*
 - (A) trapped;
 - (B) evaluated by a veterinarian;
 - (C) if unvaccinated, vaccinated by a veterinarian;
 - (D) if unsterilized, sterilized by a veterinarian;
 - (E) marked by a veterinarian, whether by notching or tipping one ear or otherwise; and
 - (F) returned to the trap location.
 - (10) *“Veterinarian” shall have the same meaning as set forth in Section 801.002, Occupations Code.*
- (b) *A person commits an offense if the person intentionally, knowingly, recklessly, or with criminal negligence:*
- (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.*
- (d-1) *It is a defense to prosecution for alleged criminal negligence that the conduct occurred during the*

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actual discharge of the actor's duties while employed as a veterinarian licensed under Chapter 801, Occupations Code, or as a person assisting the veterinarian.

(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.

(e-1) It is a defense to prosecution under Subsection (b)(4) that the actor released or returned a stray or feral animal which is not a wild living creature pursuant to a Trap-Neuter-Return Program.

(e-2) It is a defense to prosecution under Subsection (b)(4) that the actor released or returned a previously trapped wild living creature in accordance with Texas wildlife laws and regulations.

(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. ANIMAL FIGHTING

NOTE: For procedural matters relating to the seizure and forfeiture of animals used in fighting, see those respective sections of this document.

TEX. CRIM. PRO. ART. 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, including a digital currency, non-fungible token, or stablecoin, 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) 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 152, 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;

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- (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;
 - (xiii) an offense under Section 326.002, Business & Commerce Code;
 - (xiv) any offense under Section 545.420, Transportation Code; or
 - (xv) any offense punishable under Section 42.03(d) or (e), Penal 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), (xii), (xiv), or (xv) 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), (xii), (xiv), or (xv) 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 a collision caused by a driver in violation of Section 550.021, Transportation Code.
- (3-a) “Digital currency” means a digital representation of value recorded on a cryptographically secured distributed ledger, including blockchain, or similar technology.
- (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:
- (A) Income a person accused or convicted of a crime or the person's representative or assignee receives from:
 - (i) 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
 - (ii) 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; or
 - (B) with respect to digital currency gained from the commission of an offense, any increase in value of the digital currency between the date of acquisition and the forfeiture of the digital currency.
- (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.

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- (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, certificate of deposit, or digital currency wallet, regardless of whether the wallet is connected to an exchange or network.
- (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 § 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 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.

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- (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 § 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.
 - (9) “Trap-Neuter-Return Program” means a nonlethal population control practice in which an animal is:
 - (A) trapped;
 - (B) evaluated by a veterinarian;
 - (C) if unvaccinated, vaccinated by a veterinarian;
 - (D) if unsterilized, sterilized by a veterinarian;

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- (E) marked by a veterinarian, whether by notching or tipping one ear or otherwise; and
 (F) returned to the trap location.
- (10) “Veterinarian” shall have the same meaning as set forth in Section 801.002, Occupations Code.
- (b) *A person commits an offense if the person intentionally, knowingly, recklessly, or with criminal negligence:*
- (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.
- (d-1) It is a defense to prosecution for alleged criminal negligence that the conduct occurred during the actual discharge of the actor’s duties while employed as a veterinarian licensed under Chapter 801, Occupations Code, or as a person assisting the veterinarian.
- (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.
- (e-1) It is a defense to prosecution under Subsection (b)(4) that the actor released or returned a stray or feral animal which is not a wild living creature pursuant to a Trap–Neuter–Return Program.
- (e-2) It is a defense to prosecution under Subsection (b)(4) that the actor released or returned a previously

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trapped wild living creature in accordance with Texas wildlife laws and regulations.

- (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 § 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.*
- (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 § 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.*

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- (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.*
- (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 § 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:*

(15) *any offense under Section 42.10;*

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4. SEXUAL ASSAULT

TEX. PENAL CODE § 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.*

TEX. CRIM. PRO. ART. 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.

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- (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 disabled individual), 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 43.021 (Solicitation of Prostitution), Penal Code, if the offense is punishable as a felony of the second degree;
 - (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;
 - (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

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- (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; or
- (M) a violation of any law of this state for which the person has been civilly committed as a sexually violent predator under Chapter 841, Health and Safety 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 disabled individual), 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.
- (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.

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- (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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5. CRUELTY TO WORKING ANIMALS

TEX. PENAL CODE § 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
 - (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.

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TEX. PENAL CODE § 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.

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6. LAWS SPECIFIC TO FARMED ANIMALS

EDITOR'S NOTE: This section does **not** contain all state or territorial laws regarding farmed animals. This section contains only criminal statutes with the primary purpose of preventing individual farmed animals from suffering unnecessary pain or suffering.

TEX. PENAL CODE § 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 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

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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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7. CRUEL HUNTING, TRAPPING, AND FISHING

EDITOR'S NOTE: *This section does **not** contain all state or territorial laws regarding hunting, trapping, and fishing. This section contains only criminal statutes with the primary purpose of preventing individual wild animals from suffering unnecessary pain or suffering.*

TEX. PARKS & WILD § 61.021. Taking wildlife resources prohibited.

- (a) *Except as provided by Subsection (b) or permitted under a proclamation issued by the commission under this chapter, no person may hunt, catch, or possess a game bird or game animal, fish, marine animal, or other aquatic life at any time or in any place covered by this chapter.*
- (b) A documented member of the Kickapoo Traditional Tribe of Texas who holds a license under Section 42.002 may hunt antlerless white-tailed deer for religious ceremonial purposes on any day of the year between one-half hour before sunrise and one-half hour after sunset. A documented member of the Kickapoo Traditional Tribe of Texas hunting antlerless white-tailed deer under this subsection:
 - (1) shall comply with all other provisions of this code and proclamations adopted under this code;
 - (2) shall notify:
 - (A) a local game warden at least 24 hours before hunting antlerless white-tailed deer at a time of the year when a person who holds a license under Section 42.002 but who is not a documented member of the Kickapoo Traditional Tribe of Texas may not hunt antlerless white-tailed deer; and
 - (B) the department not later than September 1 of each year of the member's intent to hunt antlerless white-tailed deer for the following calendar year;
 - (3) may not hunt antlerless white-tailed deer outside an open hunting season in a chronic wasting disease containment or surveillance zone, as determined by the department; and
 - (4) may not receive a pecuniary gain from an action taken under this subsection.
- (c) Subsection (b) applies only to hunting on land that is:
 - (1) owned or leased by the Kickapoo Traditional Tribe of Texas; and
 - (2) located in a county that:
 - (A) borders the United Mexican States and has a population of more than 50,000 but less than 70,000; or
 - (B) is adjacent to a county described by Paragraph (A) and has a population of less than 8,000.

TEX. PARKS & WILD § 62.0065. Hunting deer with dogs.

- (a) *Except as provided by Subsection (d), a person may not recklessly use a dog to hunt or pursue a deer in this state.*
- (b) Subject to Subsection (a), the commission by rule may prescribe the type of firearm that may be possessed during an open deer season by a person who is in actual or constructive possession of a dog

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while in the field on another person's land or property in Angelina, Hardin, Harris, Harrison, Houston, Jasper, Jefferson, Liberty, Montgomery, Nacogdoches, Newton, Orange, Panola, Polk, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler, or Walker County.

- (c) It is not a defense to prosecution under Subsection (a) or to prosecution for violation of a rule adopted under Subsection (b) that the defendant was not the owner or in immediate possession of the dog or that the offense or violation was committed without the effective consent of the dog's owner.
- (d) The commission by rule may authorize the use of dogs to trail wounded deer.

TEX. PARKS & WILD § 62.102. Controlled killing of or attempting to injure dangerous wild animal prohibited.

No person may:

- (1) kill or attempt to injure a dangerous wild animal that is:
 - (A) in captivity in this state; or
 - (B) released from captivity in this state for the purpose of being killed; or
- (2) conduct, promote, assist, or advertise an activity prohibited by Subdivision (1).

TEX. PARKS & WILD § 63.101. Protection of bats.

- (a) Except as provided by Subsections (b) and (c), no person may:
 - (1) hunt a bat; or
 - (2) sell, offer for sale, purchase, offer to purchase, or possess after purchase a bat or any part of a bat, dead or alive.
- (b) A bat may be removed or hunted if the bat is inside or on a building occupied by people.
- (c) This section does not apply to:
 - (1) an animal control officer, a peace officer, or a health official who captures a bat that the officer or official considers injured or diseased;
 - (2) a person who transports a bat for the purpose of laboratory testing if the bat has exposed or potentially exposed humans or domestic animals to rabies; or
 - (3) a person who is licensed to provide pest control services.

TEX. PARKS & WILD § 64.002. Protection of nongame birds.

- (a) Except as provided by this code, no person may:
 - (1) catch, kill, injure, pursue, or possess, dead or alive, or purchase, sell, expose for sale, transport, ship, or receive or deliver for transportation, a bird that is not a game bird;
 - (2) possess any part of the plumage, skin, or body of a bird that is not a game bird; or
 - (3) disturb or destroy the eggs, nest, or young of a bird that is not a game bird.
- (b) European starlings, English sparrows, and feral rock doves (*Columba livia*) may be killed at any time in any manner and their nests or eggs may be destroyed, and such conduct does not constitute an offense

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under Chapter 42, Penal Code.

- (c) A permit is not required to control yellow-headed, red-winged, rusty, or Brewer's blackbirds or all grackles, cowbirds, crows, or magpies when found committing or about to commit depredations on ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in numbers and in a manner that constitutes a health hazard or other nuisance.
- (d) Canaries, parrots, and other exotic nongame birds may be sold, purchased, and kept as domestic pets.

TEX. PARKS & WILD § 64.003. Destroying nests or eggs.

No person may destroy or take the nest, eggs, or young of any wild game bird, wild bird, or wild fowl protected by this code except as provided in this code.

TEX. PARKS & WILD § 64.026. Prohibited acts.

No person may hunt or possess a migratory game bird by any means or method except as provided by regulation issued under this code.

TEX. PARKS & WILD § 66.003. Placing explosives or harmful substances in water.

- (a) *No person may place in the water of this state an explosive, poison, or other substance or thing deleterious to fish.*
- (b) Subsection (a) of this section does not apply to the use of explosives necessary for construction purposes when the use is authorized in writing by the department.
- (c) Repealed by Acts 1985, 69th Leg., ch. 267, art. 3, § 110, eff. Sept. 1, 1985.

TEX. PARKS & WILD § 66.004. Taking of fish by electric shock prohibited; exception.

- (a) *Except as provided by Subsection (d) of this section, no person may catch fish by using an electricity-producing device designed to shock fish.*
- (b) No person may manufacture or sell an electricity-producing device designed to shock fish.
- (c) Except as provided by Subsection (d) of this section, no person may possess an electricity-producing device commonly used to shock fish. The possession of an electricity-producing device commonly used to shock fish, in a boat or within one-half mile of any water of this state, is a violation of this section by the person in possession of the device.
- (d) This section does not prohibit the use of an electricity-producing device of not more than three volts connected to a shrimp trawl used by an operator of a licensed commercial gulf shrimp boat in the outside water of this state at depths of more than seven fathoms. To qualify under this exemption, the commercial gulf shrimp boat and the trawl must be operating in compliance with the provisions of Chapter 77 of this code relating to the taking of shrimp.

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- (e) An electricity-producing device used or possessed in violation of this section is a nuisance, and an officer of the department who has probable cause to believe that a device is used or possessed in violation of this section may search a boat, vehicle, campsite, or person and seize the device and hold it as evidence for the trial of the person in possession of the device. If the person is found guilty of a violation of this section, the department shall be responsible for the destruction of the device unless it can be utilized by the department for research purposes, or upon request the device may be released to a state-supported college or university for use in marine or aquatic research. An officer of the department who seizes or destroys a device is immune from liability for any damages resulting from seizure or destruction, and the department is likewise immune from liability for any damages resulting from seizure, destruction, or disposition thereof.
- (f) For purposes of this section, an “electricity-producing device” includes any device that produces or directs an electrical current and is used to shock, stun, disorient, or kill fish.
- (g), (h) Repealed by Acts 1985, 69th Leg., ch. 267, art. 3, § 110, eff. Sept. 1, 1985.

TEX. PARKS & WILD § 66.011. Leaving fish to die.

A person commits an offense if the person leaves edible fish or bait fish taken from the public waters of this state to die without the intent to retain the fish for consumption or bait.

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8. CROSS REPORTING

[None]

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9. VETERINARY REPORTING

TEX. OCC. CODE § 801.353. Confidentiality; waiver.

- (a) A veterinarian may not violate the confidential relationship between the veterinarian and the veterinarian's client.
- (b) A veterinarian may not be required to release information concerning the veterinarian's care of an animal, except on the veterinarian's receipt of:
 - (1) a written authorization or other form of waiver executed by the client; or
 - (2) an appropriate court order or subpoena.
- (c) A veterinarian who releases information as required under Subsection (b) is not liable to any person, including the client, for an action resulting from the disclosure.
- (d) The privilege provided by this section is waived by the client or the owner of an animal treated by the veterinarian to the extent the client or owner places at issue in a civil or criminal proceeding:
 - (1) the nature and extent of the animal's injuries; or
 - (2) the care and treatment of the animal provided by the veterinarian.
- (d-1) The privilege provided by this section is waived by the client or the owner of the animal treated by the veterinarian in a proceeding to substantiate and collect on a claim for the provision of or a debt incurred for veterinary services.
- (d-2) The privilege provided by this section is waived by the client or the owner of the animal treated by the veterinarian with respect to information regarding the animal's care and treatment by the veterinarian that the client or owner publishes in a public forum if:
 - (1) the information shared by the client or owner in the public forum is false with respect to the veterinarian;
 - (2) any information shared by the veterinarian in response is limited to factual information of which the veterinarian has knowledge that directly refutes the false information shared by the client or owner in the public forum; and
 - (3) the veterinarian does not share any personally identifiable information of a client or owner other than the full name of the client or owner.
- (e) This section does not apply to an inspection or investigation conducted by the board or an agent of the board.
- (f) A veterinarian does not violate this section by providing the name or address of a client, or the rabies vaccination status of a specific client's specific animal, to a public health authority, veterinarian, physician, or other licensed health care professional who requests the identity of the client to obtain information for:
 - (1) the verification of a rabies vaccination;
 - (2) other treatment involving a life-threatening situation; or
 - (3) a public health purpose.
- (f-1) *A veterinarian does not violate this section by providing to a veterinarian or an appropriate governmental entity information regarding:*
 - (1) the prescribing, dispensing, or requesting of a controlled substance; or
 - (2) *cruelty to or an attack of an animal.*

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- (g) A public health authority or other governmental entity that receives information under Subsection (f) or (f-1) shall maintain the confidentiality of the information, may not disclose the information under Chapter 552, Government Code, and may not use the information for a purpose that does not directly relate to law enforcement or the protection of public health and safety.

TEX. OCC. CODE § 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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10. "AG-GAG" LAWS

[None]

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11. EMERGENCY RESCUE AND RELIEF

[None]

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12. CIVIL ENFORCEMENT

[None]

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13. DOMESTIC RELATIONS

TEX. FAM. CODE § 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 § 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
 - (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

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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;
 - (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 person protected by an order; and*
 - (8) tracking or monitoring personal property or a motor vehicle in the possession of a person protected by an order or of a member of the family or household of a person protected by an order, without the person's effective consent, including by:
 - (A) using a tracking application on a personal electronic device in the possession of the person or the family or household member or using a tracking device; or
 - (B) physically following the person or the family or household member or causing another to physically follow the person or member.
- (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,

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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. MAXIMUM PENALTIES AND STATUTE OF LIMITATIONS

TEX. PENAL CODE § 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 § 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 § 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. PENAL CODE § 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 § 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.*

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TEX. PENAL CODE § 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 21.02 or 21.03 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.*

TEX. CRIM. PRO. ART. 12.01. Felonies.

NOTE: Unrelated statutory text has been omitted.

Except as provided in Articles 12.015 and 12.03, felony indictments may be presented within these limits, and not afterward:

(10) three years from the date of the commission of the offense: all other felonies.

TEX. CRIM. PRO. ART. 12.02. Misdemeanors.

- (a) *Except as provided by Subsections (b) and (c), the following charging instruments may be presented within two years from the date of the commission of the offense, and not afterward:*
 - (1) *an indictment or information for any Class A or Class B misdemeanor; and*
 - (2) *a complaint or information for any Class C misdemeanor.*
- (b) An indictment, information, or complaint, as applicable, for assault under Section 22.01, Penal Code, may be presented within three years from the date of the commission of the offense, and not afterward, if the offense:
 - (1) is punishable as a misdemeanor; and
 - (2) was committed against a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code.
- (c) An indictment or information, as applicable, for failure to report child abuse or neglect may be presented within three years from the date the offense was discovered, and not afterward, if the offense is punishable as a Class A misdemeanor under Section 261.109(c), Family Code.

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15. LAW ENFORCEMENT POLICIES

[None]

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16. SEIZURE

TEX. HEALTH & SAFETY CODE § 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 § 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. CRIM. PRO ART. 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, including a digital currency, non-fungible token, or stablecoin, that is:
 - (A) used in the commission of:
 - (i) any first or second degree felony under the Penal Code;

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- (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) 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 152, 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;
 - (xiii) an offense under Section 326.002, Business & Commerce Code;
 - (xiv) any offense under Section 545.420, Transportation Code; or
 - (xv) any offense punishable under Section 42.03(d) or (e), Penal 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), (xii), (xiv), or (xv) 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), (xii), (xiv), or (xv) 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 a collision caused by a driver

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in violation of Section 550.021, Transportation Code.

- (3-a) “Digital currency” means a digital representation of value recorded on a cryptographically secured distributed ledger, including blockchain, or similar technology.
- (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:
- (A) income a person accused or convicted of a crime or the person's representative or assignee receives from:
 - (i) 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
 - (ii) 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.
 - (B) with respect to digital currency gained from the commission of an offense, any increase in value of the digital currency between the date of acquisition and the forfeiture of the digital currency.
- (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, certificate of deposit, or digital currency wallet, regardless of whether the wallet is connected to an exchange or network.
- (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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17. COURTROOM ANIMAL ADVOCATE PROGRAM

[None]

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18. RESTITUTION AND REIMBURSEMENT

TEX. HEALTH & SAFETY CODE § 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 § 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;*
 - (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*

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(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 § 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.

TEX. HEALTH & SAFETY CODE § 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.

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- (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.

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19. FORFEITURE AND POSSESSION BANS

TEX. HEALTH & SAFETY CODE § 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 § 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;
 - (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

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- (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 § 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.*

TEX. HEALTH & SAFETY CODE § 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.

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- (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. CRIM. PRO. ART. 42.107. Possession of animal by person convicted of animal cruelty.

- (a) *A person commits an offense if the person:*
 - (1) *possesses or exercises control over an animal; and*
 - (2) *within the five-year period preceding the date of the instant offense, has been previously convicted of an offense under:*
 - (A) *Section 42.091, 42.092, or 42.10; or*
 - (B) *federal law or a penal law of another state containing elements that are substantially similar to the elements of an offense described by Paragraph (A).*
- (b) *An offense under this section is a Class C misdemeanor, except that the offense is a Class B misdemeanor if the defendant has been previously convicted of an offense under this section.*

TEX. CRIM. PRO. ART. 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:

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- (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 2.091, 42.092, 42.10, or 42.105, 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. CRIM. PRO. ART. 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, including a digital currency, non-fungible token, or stablecoin, 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);

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- (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 152, 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;
 - (xiii) an offense under Section 326.002, Business & Commerce Code;
 - (xiv) any offense under Section 545.420, Transportation Code; or
 - (xv) any offense punishable under Section 42.03(d) or (e), Penal 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), (xii), (xiv), or (xv) 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), (xii), (xiv), or (xv) 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 a collision caused by a driver in violation of Section 550.021, Transportation Code.
- (3-a) “Digital currency” means a digital representation of value recorded on a cryptographically secured distributed ledger, including blockchain, or similar technology.

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- (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:
 - (A) income a person accused or convicted of a crime or the person's representative or assignee receives from:
 - (i) 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
 - (ii) 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.
 - (B) with respect to digital currency gained from the commission of an offense, any increase in value of the digital currency between the date of acquisition and the forfeiture of the digital currency.
- (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, certificate of deposit, or digital currency wallet, regardless of whether the wallet is connected to an exchange or network.
- (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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20. REHABILITATIVE SENTENCING

TEX. CRIM. PRO. ART. 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, 21.091, 42.092, 42.10, or 42.105, 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.*

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TEX. FAM. CODE § 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.