

TEXAS STATUTES
HEALTH AND SAFETY CODE
TITLE 10. HEALTH AND SAFETY OF ANIMALS
CHAPTER 821. TREATMENT AND DISPOSITION OF ANIMALS
SUBCHAPTER A. TREATMENT OF ANIMALS

s 821.001. Definition

In this subchapter, "animal" includes every living dumb creature.

s 821.002. Treatment of Impounded Animals

(a) A person who impounds or causes the impoundment of an animal under state law or municipal ordinance shall supply the animal with sufficient wholesome food and water during its confinement.

(b) If an animal impounded under Subsection (a) continues to be without necessary food and water for more than 12 successive hours, any person may enter the pound or corral as often as necessary to supply the animal with necessary food and water. That person may recover the reasonable cost of the food and water from the owner of the animal. The animal is not exempt from levy and sale on execution of a judgment issued to recover those costs.

s 821.004. Knowledge or Acts of Corporate Agent or Employee

The knowledge and acts of an agent or employee of a corporation in regard to an animal transported, owned, or used by or in the custody of the corporation are the knowledge and acts of the corporation.

s 821.021. Definition

In this subchapter, "cruelly treated" includes tortured, seriously overworked, unreasonably abandoned, unreasonably deprived of necessary food, care, or shelter, cruelly confined, or caused to fight with another animal.

s 821.022. Seizure of Cruelly Treated Animal

(a) If a county sheriff, constable, or deputy constable or an officer who has responsibility for animal control in a municipality has reason to believe that an animal has been or is being cruelly treated, he may apply to a justice court 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 shall issue the warrant and set a time within 10 days of the date of issuance for a hearing in the 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.

s 821.023. Hearing; Order of Sale or Return of Animal

(a) A finding in county court that the owner of an animal is guilty of an offense under Section 42.09, Penal Code, involving the animal is prima facie evidence at a hearing authorized by Section 821.022 that the animal has been cruelly treated.

(b) A statement of an owner made at a hearing provided for under this subchapter is not admissible in a trial of the owner for an offense under Section 42.09, Penal Code.

(c) Each interested party is entitled to an opportunity to present evidence at the hearing.

(d) Except as provided by Subsection (e), if the court finds that the animal's owner has cruelly treated the animal, the court shall: (1) order a public sale of the animal by auction; (2) order the animal given to a nonprofit animal shelter, pound, or society for the protection of animals; 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) If the court finds that the animal's owner has cruelly treated the animal and that the animal is farm livestock, the owner shall be divested of ownership and the court shall order a public sale of the animal by auction, order the animal given to a nonprofit animal shelter, pound, or society for the protection of animals, or 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. In this subsection, "farm livestock" means cattle, hogs, sheep, goats, mules, horses, jacks, jennets, or poultry raised or used on a farm or ranch for food or for the production of legal income.

(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.

s 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 the expenses incurred in caring for the animal during impoundment and in conducting the auction. 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, he may cause the animal to be destroyed or may give the animal to a nonprofit animal shelter, pound, or society for the protection of animals.

s 821.025. Appeal

(a) An owner of an animal ordered sold at public auction as provided in this subchapter may appeal the order.

(b) While an appeal under this section is pending, the animal may not be sold, destroyed, or given away as provided by Sections 821.022-821.024.

PENAL CODE
TITLE 9. OFFENSES AGAINST PUBLIC ORDER AND DECENCY
CHAPTER 42. DISORDERLY CONDUCT AND RELATED OFFENSES

s 42.09. Cruelty to Animals

(a) A person commits an offense if he intentionally or knowingly:

- (1) Tortures or seriously overworks an animal;
- (2) Fails unreasonably to provide necessary food, care, or shelter for an animal in his custody;
- (3) Unreasonably abandons an animal in his custody;
- (4) Transports or confines an animal in a cruel manner;
- (5) Kills, injures, or administers poison to an animal, other than cattle, horses, sheep, swine, or goats, belonging to another without legal authority or the owner's effective consent;
- (6) Causes one animal to fight with another;
- (7) Uses a live animal as a lure in dog race training or in dog coursing on a racetrack; or
- (8) Trips a horse.

(b) It is a defense to prosecution under this section that the actor was engaged in bona fide experimentation for scientific research.

(c) For purposes of this section:

- (1) "Animal" means a domesticated living creature and wild living creature previously captured. "Animal" does not include an uncaptured wild creature or a wild creature whose capture was accomplished by conduct at issue under this section.
- (2) "Trip" means to use an object to cause a horse to fan or lose its balance.

(d) An offense under this section is a Class A misdemeanor.

(e) It is a defense to prosecution under Subsection (a)(5) that the animal was discovered on the person's property in the act of or immediately after injuring or killing the person's goats, sheep, cattle, horses, swine, or poultry and that the person killed or injured the animal at the time of this discovery.

(f) 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.