

CHAPTER 203

H.B. No. 608

AN ACT

relating to the ownership, recovery, theft, and taxation of exotic livestock and exotic fowl, and to control of disease in exotic fowl; providing criminal penalties.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 142.001, Agriculture Code, is amended by amending Subdivision (1) and adding Subdivisions (4) and (5) to read as follows:

(1) "Estray" means stray livestock, *stray exotic livestock, or stray exotic fowl.*

(4) "*Exotic livestock*" means *grass-eating or plant-eating, single-hooved or cloven-hooved mammals that are not indigenous to this state and are known as ungulates, including animals from the swine, horse, tapir, rhinoceros, elephant, deer, and antelope families but not including a mammal defined by Section 63.001, Parks and Wildlife Code, as a game animal, or by Section 71.001, Parks and Wildlife Code, as a fur-bearing animal, or any other indigenous mammal regulated by the Parks and Wildlife Department as an endangered or threatened species. The term does not include a nonindigenous mammal located on publicly owned land.*

(5) "*Exotic fowl*" means *any avian species that is not indigenous to this state. The term includes ratites but does not include a bird defined by Section 64.001, Parks and*

Wildlife Code, as a game bird or any other indigenous bird regulated by the Parks and Wildlife Department as an endangered or threatened species. The term does not include nonindigenous birds located on publicly owned land.

SECTION 2. Chapter 142, Agriculture Code, is amended by adding Section 142.0021 to read as follows:

Sec. 142.0021. OWNERSHIP OF EXOTIC WILDLIFE AND FOWL. A person may claim to be the owner of exotic livestock or exotic fowl under this chapter only if the animal is tagged, branded, banded, or marked in another conspicuous manner that can be read or identified from a long distance and that identifies the animal as being the property of the claimant.

SECTION 3. Section 161.001(a)(4), Agriculture Code, is amended to read as follows:

(4) "Exotic fowl" means any avian species that is not indigenous to this state. The term includes *ratites* [~~ostriches~~].

SECTION 4. Section 31.03(e), Penal Code, is amended to read as follows:

(e) Except as provided by Subsection (f) of this section, an offense under this section is:

(1) a Class C misdemeanor if the value of the property stolen is less than \$20;

(2) a Class B misdemeanor if:

(A) the value of the property stolen is \$20 or more but less than \$200; or

(B) the value of the property stolen is less than \$20 and the defendant has previously been convicted of any grade of theft;

(3) a Class A misdemeanor if:

(A) the value of the property stolen is \$200 or more but less than \$750; or

(B) the property stolen is one firearm, as defined by Section 46.01 of this code, and is valued at less than \$400;

(4) a felony of the third degree if:

(A) the value of the property stolen is \$750 or more but less than \$20,000, or the property is one or more head of cattle, horses, sheep, swine, ~~or~~ goats, or exotic livestock or exotic fowl as defined by Section 142.001, Agriculture Code, or any part of these animals [~~thereof~~] under the value of \$20,000;

(B) regardless of value, the property is stolen from the person of another or from a human corpse or grave;

(C) the property stolen is one firearm, as defined by Section 46.01 of this code, and is valued at more than \$400;

(D) the property stolen is two or more firearms, as defined by Section 46.01 of this code; or

(E) the value of the property stolen is less than \$750 and the defendant has been previously convicted two or more times of any grade of theft;

(5) a felony of the second degree if:

(A) the value of the property stolen is less than \$100,000 and the property is:

(i) combustible hydrocarbon natural or synthetic natural gas, or crude petroleum oil;

(ii) equipment designed for use in exploration for or production of natural gas or crude petroleum oil; or

(iii) equipment designed for use in remedial or diagnostic operations on gas or crude petroleum oil wells;

(B) the value of the property stolen is \$20,000 or more but less than \$100,000; or

(C) the value of the property is less than \$100,000 and the property was unlawfully appropriated or attempted to be unlawfully appropriated by threat to commit a felony offense against the person or property of the person threatened or another or to withhold information about the location or purported location of a bomb, poison, or other harmful object that threatens to harm the person or property of the person threatened or another person; or

(6) a felony of the first degree if:

(A) the value of the property stolen is \$100,000 or more; or

(B) the value of the property is \$100,000 or more and the property was unlawfully appropriated or attempted to be unlawfully appropriated in the manner described by Subdivision (5)(C) of this subsection.

SECTION 5. Section 31.03, Penal Code, is amended by adding Subsection (h) to read as follows:

(h) For the purposes of Subsection (a) of this section, a person is the owner of exotic livestock or exotic fowl as defined by Section 142.001, Agriculture Code, only if the person qualifies to claim the animal under Section 142.0021, Agriculture Code, if the animal is an estray.

SECTION 6. Section 23.51(6), Tax Code, is amended to read as follows:

(6) "Exotic animal" means a species of game not indigenous to this state, including axis deer, nilga antelope, red sheep, [or] other cloven-hoofed ruminant mammals, *or exotic fowl as defined by Section 142.001, Agriculture Code.*

SECTION 7. (a) The change in law made by Sections 4 and 5 of this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 8. This Act takes effect September 1, 1993.

SECTION 9. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on March 18, 1993, by a non-record vote; the House concurred in Senate amendments to H.B. No. 608 on May 10, 1993, by a non-record vote; passed by the Senate, with amendments, on May 7, 1993: Yeas 30, Nays 0.

Approved May 19, 1993.

Effective Sept. 1, 1993.