

TEXAS ANIMAL CRUELTY LAWS

In Texas, two types of laws protect animals from cruelty: civil laws and criminal laws. The laws are similar but differ in the penalties they impose.

In a civil case, if a judge rules that a person or people have been cruel to animals, the judge may take away their animals and/or order them to pay restitution.

If prosecuted in a criminal case, a person may face penalties including fines, jail or both. Those under the age of 18 are also required to undergo counseling if convicted of animal cruelty.

Texas criminal laws only apply to domesticated animals, such as house pets and livestock defined as “domesticated living creature(s) or any wild living creature previously captured” and subject to a person’s care and control. The scope of civil laws are broader and do not differentiate between domestic and wild animals; however, civil statutes adopt a much narrower definition of what constitutes cruelty. Therefore, people could engage in actions that are not prosecutable under Texas criminal laws, but they would be held liable for their actions under civil laws.

Section 42.09 "Cruelty to Livestock Animals" and 42.092 "Cruelty of Non-Livestock Animals" of the Texas Penal Code prohibits a person from intentionally, knowingly or recklessly cruelly treating an animal. The following actions define cruel punishment:

1. Torturing an animal
2. Failing to provide food, care or shelter
3. Abandoning an animal
4. Transporting or confining an animal in a cruel manner
5. Killing, seriously injuring or poisoning an animal
6. Causing an animal to fight with another
7. Using a live animal as a lure in a dog race
8. Tripping a horse
9. Injuring an animal belonging to another person
10. Seriously overworking an animal.

House Bill 653 and Senate Bill 1724, commonly known as “Loco’s Law,” went into effect September 1, 2001, making animal cruelty a felony and punishable by a \$10,000 fine and up to two years in jail. The law was named for a puppy called Loco, whose eyes were intentionally gouged out. Prior to Loco’s Law, animal cruelty was not considered a felony under Texas law. Today, animal cruelty convictions are classified as either a felony or misdemeanor.

Compared to other states, Texas’ animal cruelty statutes are very narrow in scope because they exclude certain types of animals—including circus animals, wild animals and animals used in experiments—from protection from animal cruelty laws.

Additionally, section 42.10 of the Texas Penal Code prohibits dog fighting, and also deems offensive such activities as attending a dog fight as a spectator, or participating in the earnings or operation of a dog fighting facility.

Cockfighting is a crime in Texas, where it is a felony, punishable by two years in a state jail and/or a \$10,000 fine. Since 2002, a federal law has prohibited any interstate or foreign transport of fighting animals.

Sources: www.animallaw.info, www.capitol.state.tx.us, Texas Health and Safety Code 821.001

<https://www.sPCA.org/law>