

Texas

ANIMAL LAW	CRIME	CHARGE/PENALTY
Penal Code		
§ 42.09(a)(1)	Torturing animal	1st Conviction - State Jail Felony 3rd Conviction - 3rd Degree Felony
§ 42.09(a)(2)	Failure to provide necessary food, care, or shelter to animal in person's custody	1st - Class A Misdemeanor 3rd - State Jail Felony
§ 42.09(a)(3)	Abandoning animal in person's custody	1st - Class A Misdemeanor 3rd - State Jail Felony
§ 42.09(a)(4)	Transporting or confining animal in cruel manner	1st - Class A Misdemeanor 3rd - State Jail Felony
§ 42.09(a)(5)	Killing, seriously injuring, or poisoning another person's animal without consent	1st - State Jail Felony 3rd - 3rd Degree Felony
§ 42.09(a)(6)	Causing one animal to fight with another	1st - State Jail Felony 3rd - 3rd Degree Felony
§ 42.09(a)(7)	Using live animal as lure in dog racing or race training	1st - State Jail Felony 3rd - 3rd Degree Felony
§ 42.09(a)(8)	Tripping a horse	1st - State Jail Felony 3rd - 3rd Degree Felony
§ 42.09(a)(9)	Injuring another person's animal without consent	1st - Class A Misdemeanor 3rd - State Jail Felony
§ 42.09(a)(10)	Seriously overworking an animal	1st - Class A Misdemeanor 3rd - State Jail Felony
§ 42.091	Attacking, injuring, or killing a service animal	Attacking - Class A Misdemeanor Injuring - State Jail Felony Killing - 3rd Degree Felony
§ 42.10	Dog fighting - (a)(1) causing, (2) causing for financial benefit, (3) profiting from/operating facility used for fighting, (4) using/permitting use of property, (5) owning/training with intent to fight, (6) spectators	(1), (5) - Class A Misdemeanor (2), (3), (4) - State Jail Felony (6) - Class C Misdemeanor
Health and Safety Code		
§ 821.003	Treatment of live birds received for transportation or confinement: birds to be able to stand upright; crowding and undue heat or cold prohibited; slatted, clean cages and accessible, clean water and food required	
§ 821.021	"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	
§ 821.022	Peace officer or animal control officer with reason to believe animal has been cruelly treated may apply to justice or city magistrate court for seizure warrant	
§ 821.023	Within 10 days after animal's seizure, hearing to be held before justice or magistrate court to determine if animal has been cruelly treated. If yes, judge may order animal: (1) sold at public auction; (2) given to non-profit animal shelter or society for protection of animals; or (3) humanely destroyed. If court finds no cruel treatment, animal returned to owner.	

Continued from other side.

§ 821.025 No appeal from court order that animal (1) be given to non-profit animal shelter or society for protection of animals, or (2) be humanely destroyed. Appeal available to county court if animal is ordered sold at public auction.

Parks and Wildlife Code

§ 62.101 et seq.	Controlled killing of or attempting to injure "dangerous wild animal" (i.e., lion; tiger; leopard; cheetah; hyena; bear; elephant; wolf; rhinoceros; any species, subspecies, or hybrid) <i>Note - Advertising also prohibited</i>	1st Conviction - Class A Parks and Wildlife Code Misdemeanor 2nd - Parks and Wildlife Code Felony
§ 63.101	Bats, bat parts - hunting, possessing, purchasing, selling	Class C P&W Code Misdemeanor
§ 64.002	Non-game birds - hunting, injuring, killing, possessing, purchasing, selling, transporting; disturbing or destroying nest, eggs, or young	Class C P&W Code Misdemeanor
§ 64.003	Wild birds - destroying or taking nest, eggs, or young	Class C P&W Code Misdemeanor
§ 68.015	Endangered fish, wildlife - capturing, trapping, killing, or attempting to do so; possessing, selling, distributing, or advertising for sale animals or goods made from animals	1st Conviction - Class C P&W Code Misdemeanor 2nd - Class B P&W Code Misdemeanor 3rd - Class A P&W Code Misdemeanor

Other Laws

§ 821.051 et seq.	Euthanasia - only sodium pentobarbital or commercially compressed carbon monoxide to be used on cats and dogs; AVMA Panel to be followed for all other animals; non-veterinarians to be certified
§ 822.001 et seq.	Dangerous Dogs
§ 823.001 et seq.	Animal Shelters
§ 828.001 et seq.	Dog and Cat Sterilization

For more information contact ASPCA National Outreach Legislative Services.
Email: LegislativeServices@aspc.org Phone: (805) 474-9660 or visit www.aspc.org/lobby



HELP TAKE A BITE OUT OF ANIMAL ABUSE
Know Your State Cruelty Laws

Texas

To report suspected cases of animal cruelty or neglect,
please contact your local police, spca or humane society.

Revised
11/05