



What defines cruelty?

Animal cruelty laws vary from state to state.

State Statutes involving animals are usually contained in the Health & Safety Code and the Penal Code. In addition, several Statutes authorize the Department of State Health Services (“DSHS”) to enact “Rules” that are published in the Administrative Code. Once published, those “Rules” have the same effect as the Statutes.

The following is an example of the Texas State Penal Code regarding dogs and cats.

Penal Code, Chapter 42, Sec. 42.092 Cruelty to Non livestock Animals

This Section creates offenses for cruelty to non livestock animals which are defined in Subsection (a)(2) as domesticated living creatures (including any stray or feral cat or dog) and wild living creatures which have been previously captured. The term does not include an un-captured wild living creature or a livestock animal. The offenses constituting cruelty to a non livestock animal are torturing, killing, or causing serious bodily injury to an animal in a cruel manner (state jail felony); killing, poisoning or causing serious bodily injury to an animal without the owner’s consent (state jail felony); failing to provide an animal with necessary food, water, care or shelter (class A misdemeanor); abandoning an animal (class A misdemeanor); transporting or confining an animal in a cruel manner (class A misdemeanor); causing bodily injury to an animal without the owner’s consent (class A misdemeanor); causing one animal to fight with another (state jail felony); using a live animal as a lure in dog racing or dog race training (state jail felony); seriously overworking an animal (class A misdemeanor). There are exemptions from this Section for fishing, hunting, trapping or wildlife management and animal husbandry or agriculture practices involving livestock animals.



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