

By: Gervin-Hawkins, Thierry

H.B. No. 100

A BILL TO BE ENTITLED

AN ACT

relating to a notarized affidavit requesting a municipal animal control authority to manage dangerous dogs and aggressive dogs in the municipality's extraterritorial jurisdiction.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 822, Health and Safety Code, is amended by adding Section 822.008 to read as follows:

Sec. 822.008. NOTARIZED AFFIDAVIT REQUESTING MUNICIPAL ANIMAL CONTROL AUTHORITY TO OPERATE IN EXTRATERRITORIAL JURISDICTION. (a) In this section, "aggressive dog" means a dog that makes an unprovoked attack on a domestic animal or livestock that:

(1) causes bodily injury to the animal or livestock;

and

(2) occurs in a place other than an enclosure:

(A) in which the dog was being kept; and

(B) that is reasonably secured to prevent the dog from leaving the enclosure.

(b) A municipal animal control authority may impound and manage dangerous dogs and aggressive dogs in the municipality's extraterritorial jurisdiction if:

(1) the authority receives a notarized affidavit signed by at least two residents from different households in the extraterritorial jurisdiction requesting assistance from the

1 authority and alleging that:

2 (A) dangerous dogs or aggressive dogs have  
3 repeatedly attacked humans, domestic animals, or livestock within  
4 the extraterritorial jurisdiction; and

5 (B) due to the presence of dangerous dogs or  
6 aggressive dogs, the extraterritorial jurisdiction is an unsafe  
7 environment for humans, domestic animals, or livestock;

8 (2) the authority receives or discovers evidence  
9 corroborating the affidavit received under Subdivision (1); and

10 (3) in the extraterritorial jurisdiction:

11 (A) no animal control authority is authorized to  
12 operate; or

13 (B) the operating animal control authority does  
14 not provide for the impoundment or management of dangerous dogs or  
15 aggressive dogs.

16 SECTION 2. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2021.