

By: Lujan

H.B. No. 2806

A BILL TO BE ENTITLED

AN ACT

relating to an attack by a dangerous dog; increasing criminal penalties; creating a criminal offense.

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

SECTION 1. Section 822.001, Health and Safety Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Bodily injury" has the meaning assigned by Section 1.07, Penal Code.

SECTION 2. Sections 822.005(a) and (b), Health and Safety Code, are amended to read as follows:

(a) A person commits an offense if the person is the owner of a dog and the person:

(1) with criminal negligence, as defined by Section 6.03, Penal Code, fails to secure the dog and the dog makes an unprovoked attack on another person that occurs at a location other than the owner's real property or in or on the owner's motor vehicle or boat and that causes bodily injury, serious bodily injury[7] as defined by Section 1.07, Penal Code, or death to the other person; or

(2) knows the dog is a dangerous dog by learning in a manner described by Section 822.042(g) that the person is the owner of a dangerous dog, and the dangerous dog makes an unprovoked attack on another person that occurs at a location other than a secure enclosure in which the dog is restrained in accordance with

Subchapter D and that causes bodily injury or serious bodily injury, as defined by Section 822.001, or death to the other person.

(b) An offense under this section is:

(1) a Class B misdemeanor if the attack causes bodily injury;

(2) a felony of the third degree if the attack causes serious bodily injury; or

(3) a felony of the second degree if ~~[unless]~~ the attack causes death~~[, in which event the offense is a felony of the second degree]~~.

SECTION 3. Section 822.0421, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) If a person reports an incident described by Section 822.041(2), the animal control authority may investigate the incident. The animal control authority on investigation of the incident shall determine whether the dog is a dangerous dog by observing and documenting the behavior of the dog or by examining ~~[If, after receiving]~~ the sworn statements of any witnesses. If ~~[7]~~ the animal control authority determines the dog is a dangerous dog, the animal control authority shall notify the owner in writing of the determination.

(e) In this subsection, "identifying information" has the meaning assigned by Section 32.51, Penal Code. The identifying information of a witness who gives a sworn statement under Subsection (a):

(1) is confidential and not subject to disclosure

1 under Chapter 552, Government Code; and

2 (2) may be disclosed only for purposes of enforcing
3 this chapter to the governing body of the municipality or county in
4 which the incident occurred, as applicable, and any other
5 governmental or law enforcement agency.

6 SECTION 4. Subchapter D, Chapter 822, Health and Safety
7 Code, is amended by adding Section 822.04215 to read as follows:

8 Sec. 822.04215. DETERMINATION THAT DOG IS DANGEROUS IN
9 CERTAIN MUNICIPALITIES. (a) This section applies only to a
10 municipality that contains more than 70 percent of the population
11 of a county with a population of 1.5 million or more.

12 (b) Notwithstanding Section 822.0421(a), if a person
13 reports an incident described by Section 822.041(2)(A) or (B), the
14 animal control authority shall investigate the incident. If after
15 reviewing the sworn statements of any witness or reviewing any
16 other applicable reports or information, the animal control
17 authority determines the dog is a dangerous dog, the animal control
18 authority shall notify the owner in writing of the determination.

19 SECTION 5. Section 822.044, Health and Safety Code, is
20 amended by amending Subsection (b) and adding Subsection (b-1) to
21 read as follows:

22 (b) Except as provided by Subsection (b-1), an [An] offense
23 under this section is a Class C misdemeanor.

24 (b-1) An offense under this section is a Class B misdemeanor
25 if it is shown on trial of the offense that the defendant has been
26 previously convicted of an offense under this section.

27 SECTION 6. Chapter 822, Health and Safety Code, is amended

by adding Section 822.0445 to read as follows:

Sec. 822.0445. POSSESSION OF ANIMAL BY PERSON CONVICTED OF DANGEROUS DOG ATTACK. (a) A person commits an offense if the person:

(1) possesses or exercises control over a dog; and

(2) within the five-year period preceding the date of the instant offense, has been previously convicted of an offense under:

(A) Section 822.044; or

(B) federal law or a penal law of another state containing elements that are substantially similar to the elements of an offense described by Paragraph (A).

(b) An offense under this section is a Class C misdemeanor, except that the offense is a Class B misdemeanor if the defendant has been previously convicted of an offense under this section.

SECTION 7. The changes in law made by this Act to Sections 822.005 and 822.044, Health and Safety Code, as amended by this Act, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 8. (a) Section 822.0421(a), Health and Safety Code, as amended by this Act, applies only to a determination based on an incident that occurred on or after the effective date of this

1 Act. An incident that occurred before the effective date of this
2 Act is governed by the law in effect on the date the incident
3 occurred, and the former law is continued in effect for that
4 purpose.

5 (b) Section 822.0421(e), Health and Safety Code, as added by
6 this Act, applies to information contained in a sworn statement
7 released on or after the effective date of this Act, regardless of
8 whether the sworn statement was made before, on, or after that date.

9 SECTION 9. Section 822.04215, Health and Safety Code, as
10 added by this Act, applies only to a determination based on an
11 incident that occurred on or after the effective date of this Act.
12 An incident that occurred before the effective date of this Act is
13 governed by the law in effect on the date the incident occurred, and
14 the former law is continued in effect for that purpose.

15 SECTION 10. This Act takes effect September 1, 2025.