

BILL ANALYSIS

C.S.H.B. 1119
By: Goodman
Agriculture & Livestock
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, the Texas Health and Safety Code sets forth a civil procedure by which county or municipal authorities can seize an animal that is or has been cruelly treated by its owner and divest the owner of ownership rights to the animal. This measure amends the Texas Health and Safety Code to facilitate seizure of the animal, shorten the judicial process, and allow counties and municipalities to recover their court costs and other expenses related to the seizure proceedings.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

The bill amends Chapter 821, Health and Safety Code, as follows:

The bill expands the government agents permitted to apply for a seizure warrant to include all peace officers. In addition to a justice court or municipal court, the bill allows a magistrate to issue a seizure warrant.

The bill provides that an owner found to have cruelly treated his animal shall pay all court costs, including the cost of investigation, expert witnesses, housing and caring for the animal during impoundment, conducting any public sale ordered by the court, and humanely destroying the animal if destruction is ordered by the court. The bill provides that if a court orders an animal sold at public auction, the proceeds from that sale shall first be applied to the court costs owed by the former owner.

The bill limits the appeal from an order that an animal be sold at public auction to the county court or county court at law in which the justice or municipal court is located, with the decision of the county court being final without further appeal. As a condition of appeal from the justice or municipal court, the owner must file an appeal bond in an amount determined by the justice or municipal court to be adequate to cover the estimated expenses to be incurred in housing and caring for the impounded animal during the appeal process. The bill provides that an owner may not appeal an order of the justice or municipal court to give the animal to a non-profit animal shelter, pound or society for the protection of animals, or to humanely destroy the animal.

The bill allows, pending an owner's appeal, for an animal to be humanely destroyed if necessary to prevent undue pain or suffering of the animal.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 1119 modifies the original by removing all the proposed definition amendments in Section 821.021, Health and Safety Code. The substitute further modifies the original by removing the proposed language "or negligently allowed the animal to be cruelly treated" from Section 821.023.