

AN ACT

relating to offenses involving dogs or coyotes that are a danger to livestock and other animals.

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

SECTION 1. Subchapter B, Chapter 822, Health and Safety Code, is amended by amending the subchapter and by transferring Section 822.033 to the subchapter, renumbering that section as Section 822.013, and amending that section to read as follows:

SUBCHAPTER B. DOGS AND COYOTES THAT ARE A DANGER TO ANIMALS

Sec. 822.011. DEFINITIONS. In this subchapter:

(1) "Dog or coyote" includes a crossbreed between a dog and a coyote.

(2) "Livestock" includes exotic livestock as defined by Section 161.001, Agriculture Code.

Sec. 822.012. CERTAIN DOGS AND COYOTES PROHIBITED FROM RUNNING AT LARGE; CRIMINAL PENALTY. (a) The owner, keeper, or person in control of a dog or coyote that the owner, keeper, or person knows is accustomed to run, worry, or kill livestock, domestic animals, or fowls [~~goats, sheep, or poultry~~] may not permit the dog or coyote to run at large.

(b) A person who violates this section commits an offense. An offense under this subsection is punishable by a fine of not more than \$100.

(c) Each time a dog or coyote runs at large in violation of

1 this section constitutes a separate offense.

2 Sec. 822.013 [~~822.033~~]. DOGS OR COYOTES THAT ATTACK
3 [~~DOMESTIC~~] ANIMALS. (a) A dog or coyote that is attacking, is
4 about to attack, or has recently attacked livestock, [~~sheep, goats,~~
5 ~~calves, or other~~] domestic animals, or fowls may be killed by:

6 (1) any person witnessing the attack; or

7 (2) the attacked animal's owner or a person acting on
8 behalf of the owner if the owner or person has [~~having~~] knowledge of
9 the attack.

10 (b) A person who kills a dog or coyote as provided by this
11 section is not liable for damages to the owner, keeper, or person in
12 control of the dog or coyote.

13 (c) A person who discovers on the person's property a dog or
14 coyote known or suspected of having killed livestock, [~~sheep,~~
15 ~~goats, calves, or other~~] domestic animals, or fowls [~~is a public~~
16 ~~nuisance. Any person~~] may detain or impound the dog or coyote and
17 return it to its [~~until the dog's~~] owner or deliver the dog or
18 coyote to the local animal control authority. The owner of the dog
19 or coyote is liable for all costs incurred in the capture and care
20 of the dog or coyote [~~is notified~~] and all damage done by the dog or
21 coyote [~~has been determined and paid to the proper persons~~].

22 (d) The owner, keeper, or person in control of a dog or
23 coyote that is known to have attacked livestock, [~~sheep, goats,~~
24 ~~calves, or other~~] domestic animals, or fowls shall control the dog
25 or coyote in a manner approved by the local animal control authority
26 [~~kill the dog. A sheriff, deputy sheriff, constable, police~~
27 ~~officer, magistrate, or county commissioner may enter the premises~~

1 ~~of the owner of the dog and kill the dog if the owner fails to do~~
2 ~~so].~~

3 (e) A person is not required to acquire a hunting license
4 under Section 42.002, Parks and Wildlife Code, to kill a dog or
5 coyote under this section.

6 SECTION 2. Sections 822.032 and 822.034, Health and Safety
7 Code, are repealed.

8 SECTION 3. The change in law made by this Act to Section
9 822.011, Health and Safety Code, applies only to an offense
10 committed on or after the effective date of this Act. An offense
11 committed before the effective date of this Act is covered by the
12 law in effect when the offense was committed, and the former law is
13 continued in effect for that purpose. For purposes of this section,
14 an offense was committed before the effective date of this Act if
15 any element of the offense occurred before that date.

16 SECTION 4. This Act takes effect September 1, 2003.

President of the Senate

Speaker of the House

I certify that H.B. No. 151 was passed by the House on March 17, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 151 on May 30, 2003, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 151 was passed by the Senate, with amendments, on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor