

By: Farabee

H.B. No. 151

Substitute the following for H.B. No. 151:

By: Swinford

C.S.H.B. No. 151

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Chapter 822, Health and Safety Code, is amended by amending Section 822.011(a), transferring Sections 822.033 and 822.034 to Subchapter B, renumbering those sections as Sections 822.012 and 822.013, respectively, and amending those sections, and adding Section 822.014 to read as follows:

(a) The owner, keeper, or person in control of a dog that the owner, keeper, or person knows is accustomed to run, worry, or kill goats, sheep, ~~[or]~~ poultry, calves, or other livestock may not permit the dog to run at large.

Sec. 822.012 [~~822.033~~]. DOGS THAT ATTACK DOMESTIC ANIMALS.

(a) A dog that is attacking, is about to attack, or has recently attacked sheep, goats, calves, or other livestock or domestic animals or fowls may be killed by any person witnessing or having knowledge of the attack.

(b) A person who kills a dog as provided by this section is not liable for damages to the owner of the dog.

(c) A dog known or suspected of having killed sheep, goats, calves, or other livestock or domestic animals or fowls is a public nuisance. Any person may detain or impound the dog until the dog's owner is notified and all damage done by the dog has been determined

1 and paid to the proper persons.

2 (d) The owner of a dog that is known to have attacked sheep,
3 goats, calves, or other livestock or domestic animals or fowls
4 shall kill the dog. A sheriff, deputy sheriff, constable, police
5 officer, magistrate, or county commissioner may enter the premises
6 of the owner of the dog and kill the dog if the owner fails to do so.

7 Sec. 822.013 [~~822.034~~]. PROTECTION OF DOMESTIC ANIMALS.
8 The owner of any sheep, goats, calves, or other livestock or
9 domestic animals that are subject to the ravages of [~~sheep-killing~~]
10 dogs that kill livestock or domestic animals may place poison on the
11 premises where the animals are kept. The owner must post notice of
12 the poison at each entrance to the premises before placing the
13 poison.

14 Sec. 822.014. EXOTIC LIVESTOCK INCLUDED. In this
15 subchapter, "livestock" includes exotic livestock as defined by
16 Section 161.001, Agriculture Code.

17 SECTION 2. The change in law made by this Act to Section
18 822.011(a), Health and Safety Code, applies only to an offense
19 committed on or after the effective date of this Act. An offense
20 committed before the effective date of this Act is covered by the
21 law in effect when the offense was committed, and the former law is
22 continued in effect for that purpose. For purposes of this section,
23 an offense was committed before the effective date of this Act if
24 any element of the offense occurred before that date.

25 SECTION 3. This Act takes effect September 1, 2003.