

By: Farabee

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, transferring Sections 822.032, 822.033, and 822.034 to Subchapter B, renumbering those sections as Sections 822.012, 822.013, and 822.014, respectively, and amending those sections, and adding Section 822.015 to read as follows:

Sec. 822.011. CERTAIN DOGS PROHIBITED FROM RUNNING AT LARGE~~[, CRIMINAL PENALTY]~~. ~~[(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.

~~[(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 runs at large in violation of this section constitutes a separate offense.]~~

Sec. 822.012 ~~[822.032]~~. UNMUZZLED DOGS PROHIBITED FROM RUNNING AT LARGE. The owner of a dog ~~[in a county adopting this subchapter]~~ may not allow the dog to run at large between sunset of one day and sunrise of the following day unless the dog has a leather or metallic muzzle securely fastened about its mouth that

1 will effectively prevent the dog from killing or injuring sheep,  
2 goats, calves, or other livestock or domestic animals or fowls.

3 Sec. 822.013 [~~822.033~~]. DOGS THAT ATTACK DOMESTIC ANIMALS.

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

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

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

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

20 Sec. 822.014 [~~822.034~~]. PROTECTION OF DOMESTIC ANIMALS.

21 The owner of any sheep, goats, calves, or other livestock or  
22 domestic animals that are subject to the ravages of [~~sheep-killing~~]  
23 dogs that kill livestock or domestic animals may place poison on the  
24 premises where the animals are kept. The owner must post notice of  
25 the poison at each entrance to the premises before placing the  
26 poison.

27 Sec. 822.015. CRIMINAL PENALTY. (a) A person who violates

1 this subchapter commits an offense. An offense under this  
2 subsection is punishable by a fine of not more than \$100.

3 (b) Each time a dog runs at large in violation of this  
4 subchapter constitutes a separate offense.

5 SECTION 2. The change in law made by this Act applies only  
6 to an offense committed on or after the effective date of this Act.  
7 An offense committed before the effective date of this Act is  
8 covered by the law in effect when the offense was committed, and the  
9 former law is continued in effect for that purpose. For purposes of  
10 this section, an offense was committed before the effective date of  
11 this Act if any element of the offense occurred before that date.

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