

1-1 By: Farabee, et al. (Senate Sponsor - Estes) H.B. No. 151
1-2 (In the Senate - Received from the House March 18, 2003;
1-3 March 26, 2003, read first time and referred to Subcommittee on
1-4 Agriculture; May 7, 2003, reported to Committee on Natural
1-5 Resources; May 22, 2003, reported adversely, with favorable
1-6 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-7 May 22, 2003, sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR H.B. No. 151 By: Estes

1-9 A BILL TO BE ENTITLED
1-10 AN ACT

1-11 relating to offenses involving dogs or coyotes that are a danger to
1-12 livestock and other animals.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter B, Chapter 822, Health and Safety
1-15 Code, is amended by amending the subchapter and by transferring
1-16 Section 822.033 to the subchapter, renumbering that section as
1-17 Section 822.013, and amending that section to read as follows:

1-18 SUBCHAPTER B. DOGS AND COYOTES THAT ARE A DANGER TO ANIMALS

1-19 Sec. 822.011. DEFINITIONS. In this subchapter:

1-20 (1) "Dog or coyote" includes a crossbreed between a
1-21 dog and a coyote.

1-22 (2) "Livestock" includes exotic livestock as defined
1-23 by Section 161.001, Agriculture Code.

1-24 Sec. 822.012. CERTAIN DOGS AND COYOTES PROHIBITED FROM
1-25 RUNNING AT LARGE; CRIMINAL PENALTY. (a) The owner, keeper, or
1-26 person in control of a dog or coyote that the owner, keeper, or
1-27 person knows is accustomed to run, worry, or kill livestock,
1-28 domestic animals, or fowls [~~goats, sheep, or poultry~~] may not
1-29 permit the dog or coyote to run at large.

1-30 (b) A person who violates this section commits an offense.
1-31 An offense under this subsection is punishable by a fine of not more
1-32 than \$100.

1-33 (c) Each time a dog or coyote runs at large in violation of
1-34 this section constitutes a separate offense.

1-35 Sec. 822.013 [~~822.033~~]. DOGS OR COYOTES THAT ATTACK
1-36 [~~DOMESTIC~~] ANIMALS. (a) A dog or coyote that is attacking, is
1-37 about to attack, or has recently attacked livestock, [~~sheep, goats,~~
1-38 ~~calves, or other~~] domestic animals, or fowls may be killed by:

1-39 (1) any person witnessing the attack; or

1-40 (2) the attacked animal's owner or a person acting on
1-41 behalf of the owner if the owner or person has [~~having~~] knowledge of
1-42 the attack.

1-43 (b) A person who kills a dog or coyote as provided by this
1-44 section is not liable for damages to the owner, keeper, or person in
1-45 control of the dog or coyote.

1-46 (c) A person who discovers on the person's property a dog or
1-47 coyote known or suspected of having killed livestock, [~~sheep,~~
1-48 ~~goats, calves, or other~~] domestic animals, or fowls [~~is a public~~
1-49 ~~nuisance. Any person~~] may detain or impound the dog or coyote and
1-50 return it to its [~~until the dog's~~] owner or deliver the dog or
1-51 coyote to the local animal control authority. The owner of the dog
1-52 or coyote is liable for all costs incurred in the capture and care
1-53 of the dog or coyote [~~is notified~~] and all damage done by the dog or
1-54 coyote [~~has been determined and paid to the proper persons~~].

1-55 (d) The owner, keeper, or person in control of a dog or
1-56 coyote that is known to have attacked livestock, [~~sheep, goats,~~
1-57 ~~calves, or other~~] domestic animals, or fowls shall control the dog
1-58 or coyote in a manner approved by the local animal control authority
1-59 [~~kill the dog. A sheriff, deputy sheriff, constable, police~~
1-60 ~~officer, magistrate, or county commissioner may enter the premises~~
1-61 ~~of the owner of the dog and kill the dog if the owner fails to do~~
1-62 ~~so~~].

1-63 (e) A person is not required to acquire a hunting license

2-1 under Section 42.002, Parks and Wildlife Code, to kill a dog or
2-2 coyote under this section.

2-3 SECTION 2. Sections 822.032 and 822.034, Health and Safety
2-4 Code, are repealed.

2-5 SECTION 3. The change in law made by this Act to Section
2-6 822.011, Health and Safety Code, applies only to an offense
2-7 committed on or after the effective date of this Act. An offense
2-8 committed before the effective date of this Act is covered by the
2-9 law in effect when the offense was committed, and the former law is
2-10 continued in effect for that purpose. For purposes of this section,
2-11 an offense was committed before the effective date of this Act if
2-12 any element of the offense occurred before that date.

2-13 SECTION 4. This Act takes effect September 1, 2003.

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