

By: Van Arsdale

H.B. No. 984

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of warrants for the seizure of cruelly treated animals.

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

SECTION 1. Section 821.021, Health and Safety Code, is amended to read as follows:

Sec. 821.021. DEFINITIONS [~~DEFINITION~~]. In this subchapter: ~~[]~~

(1) "Cruelly [~~cruelly~~] treated" includes tortured, seriously overworked, unreasonably abandoned, unreasonably deprived of necessary food, care, or shelter, cruelly confined, or caused to fight with another animal.

(2) "Magistrate" means any officer as defined in Section 2.09, Code of Criminal Procedure, except that the term does not include justices of the Supreme Court, judges of the Court of Criminal Appeals, judges or masters of statutory probate courts, and judges or masters of district courts that give preference to family law matters or family district courts under Subchapter D, Chapter 24, Government Code.

SECTION 2. Sections 821.022(a) and (b), Health and Safety Code, are amended to read as follows:

(a) If a county sheriff, constable, or deputy constable or an officer who has responsibility for animal control in a municipality has reason to believe that an animal has been or is

1 being cruelly treated, he may apply to a justice court or magistrate
2 in the county or to a municipal court in the municipality in which
3 the animal is located for a warrant to seize the animal.

4 (b) On a showing of probable cause to believe that the
5 animal has been or is being cruelly treated, the court or magistrate
6 shall issue the warrant and set a time within 10 days of the date of
7 issuance for a hearing in the court to determine whether the animal
8 has been cruelly treated.

9 SECTION 3. Sections 821.023(d)-(g), Health and Safety Code,
10 are amended to read as follows:

11 (d) Except as provided by Subsection (e), if the court or
12 magistrate finds that the animal's owner has cruelly treated the
13 animal, the court or magistrate shall:

14 (1) order a public sale of the animal by auction;

15 (2) order the animal given to a nonprofit animal
16 shelter, pound, or society for the protection of animals; or

17 (3) order the animal humanely destroyed if the court
18 or magistrate decides that the best interests of the animal or that
19 the public health and safety would be served by doing so.

20 (e) If the court or magistrate finds that the animal's owner
21 has cruelly treated the animal and that the animal is farm
22 livestock, the owner shall be divested of ownership and the court or
23 magistrate shall order a public sale of the animal by auction, order
24 the animal given to a nonprofit animal shelter, pound, or society
25 for the protection of animals, or order the animal humanely
26 destroyed if the court or magistrate decides that the best
27 interests of the animal or that the public health and safety would

1 be served by doing so. In this subsection, "farm livestock" means
2 cattle, hogs, sheep, goats, mules, horses, jacks, jennets, or
3 poultry raised or used on a farm or ranch for food or for the
4 production of legal income.

5 (f) The court or magistrate may order that an animal
6 disposed of under Subsection (d)(1) or (d)(2) be spayed or neutered
7 at the cost of the receiving party.

8 (g) The court or magistrate shall order the animal returned
9 to the owner if the court or magistrate does not find that the
10 animal's owner has cruelly treated the animal.

11 SECTION 4. Section 821.024(b), Health and Safety Code, is
12 amended to read as follows:

13 (b) Proceeds from the sale of the animal shall be applied
14 first to the expenses incurred in caring for the animal during
15 impoundment and in conducting the auction. The officer conducting
16 the auction shall pay any excess proceeds to the justice or
17 municipal court or magistrate ordering the auction. The court or
18 magistrate shall return the excess proceeds to the former owner of
19 the animal.

20 SECTION 5. This Act takes effect September 1, 2003.