

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**May 20, 2003**

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: HB1119** by Goodman (Relating to the disposition of cruelly treated animals and to punishment for the offense of cruelty to animals. ), **Committee Report 2nd House, Substituted**

<b>No fiscal implication to the State is anticipated.</b>
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The bill would amend the Health and Safety Code to authorize a peace officer or a county animal control officer to apply to a justice court or magistrate for a warrant to seize an animal that has been treated cruelly. The court or magistrate would be required to issue the warrant and set a time within 10 calendar days of the date of issuing the warrant for a hearing. If the animal's owner is found guilty of having cruelly treated the animal, the owner would be required to pay all court costs including the costs of investigation, expert witnesses, housing and caring for the animal during its impoundment, conducting any sale of the animal ordered by the court, and humanely destroying the animal if destruction is ordered by the court. The bill would remove restrictive language of applying the statute to just farm livestock, expanding it to apply to all cruelly treated animals.

If the animal is ordered sold at auction, proceeds of the sale would be applied to any costs owed to the county or municipality by the former owner of the animal related to the investigation, hearing, and other actions related to the animal cruelty case. If the former owner chooses to appeal the court's decision, the owner would be required to file an appeal bond to cover the estimated expenses incurred in housing and caring for the impounded animal during the appeal process.

The bill would take effect September 1, 2003.

**Local Government Impact**

Under current statute, only a county sheriff, constable, deputy constable, or municipal animal control officer may seize cruelly treated animals. The bill would expand that authority to all peace officers and to county animal control officers. No significant fiscal impact would result in this change.

Under current statute, only a justice court may authorize a warrant and hold a hearing in animal cruelty cases. The bill would also give this authority to a magistrate and a justice court. No significant fiscal impact would result from this change.

Current statute does not provide for the owner of the animal to pay expenses incurred in investigating and trying the case, nor in other aspects related to the case. By requiring the former owner of the animal to pay these costs and to put up an appeal bond when appealing a court decision, the courts, county, or municipality would recoup costs.

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JK, EB, CL, DLBa