

BILL ANALYSIS

H.B. 1096
By: Edwards
Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, Chapter 822 of the Texas Health and Safety code defines and regulates animal safety, including the regulation of dogs and dog attacks. Current law states that a dog attack may be classified as a Class C misdemeanor if the dog fits the definition of "dangerous". If serious bodily injury or death exists, the attack is then classified a Class A misdemeanor.

House Bill 1096 will require that all dogs, not only categorically dangerous dogs, be regulated in the City of Houston. A dog attack will be classified as a Class B misdemeanor, unless serious bodily injury or death exists, in which event the offense will be a third-degree felony. Furthermore, an owner of a dog must restrain the dog at all times on a leash in the immediate control of the owner, regardless of whether or not the dog is classified as dangerous. An offense of this leash law will be classified as a Class C misdemeanor. It is this bill's purpose to reduce the number of attacks by increasing the punishment for dog related offenses.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Adds Subchapter F to Chapter 822 of the Health and Safety Code to establish that in a municipality with a population of 1.9 million or more, an owner of a dog commits an offense punishable as a Class B misdemeanor if a dog makes an unprovoked attack on another person. If the attack causes serious bodily injury or death, the offense is punishable as a third-degree felony. If a person is found to be guilty of an offense, the court shall order the dog destroyed and the owner is liable for a civil penalty not to exceed \$10,000 in addition to criminal prosecution.

The bill also requires that owners restrain their dog(s) on a leash or in a secure location at all times. An offense to this requirement is punishable by a Class C misdemeanor, unless the owner has previously convicted. In addition, the bill creates defenses to prosecution based on occupational and disability issues related to the use of dogs.

The Act applies only to those offenses committed on or after the effective date.

EFFECTIVE DATE

This Act takes effect September 1, 2005.