

BILL ANALYSIS

C.S.H.B. 1807
By: Driver
Law Enforcement
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The 78th Legislature enacted a law creating an offense for criminally injuring an assistance animal. Assistance animals serve as guardians, companions and assistants to those with special needs. They are trained for lengthy periods of time and at great expense to perform this service and are invaluable additional protections. However, the current law technically criminalizes some necessary and proper behaviors against which the original bill was not intended to protect.

C.S.H.B. 1807 makes clarifying changes to the previous law to ensure that veterinarians or those who may be forced to defend themselves against an assistance animal are not criminally liable for doing so.

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

C.S.H.B. 1807 amends §42.091 of the Penal Code by changing the title of §42.091 from "ATTACK ON ASSISTANCE ANIMAL" to "ASSAULT ON ASSISTANCE ANIMAL." The bill amends subsection (a) of the section by deleting the word "attack" so that the offense is for injuring or killing the animal only and adds that the animal must belong to another and the actor must lack legal authority or the owner's consent for an offense to be committed. The bill also amends subsection (b) to remove the word "attack" and removes the provision of a punishment classification for attacking an assistance animal. The bill also makes conforming and non-substantive changes.

EFFECTIVE DATE

September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

The committee substitute differs from the original bill in that the original bill required for the offense of inciting or permitting an animal in the custody of the actor to injure or kill an assistance animal that the assistance animal belong to another and that the actor lack legal authority or owner consent. The substitute removes this requirement.