

## **BILL ANALYSIS**

H.B. 2840  
By: Chisum  
State Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Unprovoked attacks by unrestrained animals pose a serious safety issue for utility and governmental employees, as well as the general public. The purpose of HB 2840 is to make modifications to Chapter 822 of the Health and Safety Code to (1) allow for self-defense from unprovoked attacks and provide immunity for damages to the dog and dog owner's property that may occur in the effort to defend from attack, and make the dog owner responsible for damage to any other person's property; and (2) require destruction of a dog that causes serious bodily injury, unless the attack takes place within the dog's secure enclosure. These modifications to the Health and Safety Code will provide extra measures for public safety by placing appropriate responsibility and liability on the owner of a dog whose unprovoked attack causes serious bodily injury or death.

### **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**

Amends Section 822.01, Health and Safety Code, adding and modifying the definitions of "owner," "secure enclosure," "serious bodily injury," and "unprovoked attack."

Amends Sections 822.003, Health and Safety, requiring a court to order an attacking dog be destroyed if serious bodily injury occurred but setting out the conditions under which a court is prohibited from ordering an attacking dog destroyed.

Amends Subchapter A, Chapter 822, adding Section 822.006 allowing for the defense against an unprovoked attack by a dog.

### **EFFECTIVE DATE**

Upon passage or September 1, 2005.