

By: Leibowitz

H.B. No. 3329

A BILL TO BE ENTITLED

AN ACT

relating to dog attacks on persons.

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

SECTION 1. Section 822.003, Health & Safety Code, is amended to read as follows:

Sec. 822.003. HEARING. (a) The court shall set a time for a hearing to determine whether the dog caused the death of or serious bodily injury to a person by attacking, biting, or mauling the person. The hearing must be held not later than the 10th day after the date on which the warrant is issued.

(b) The court shall give written notice of the time and place of the hearing to:

(1) the owner of the dog or the person from whom the dog was seized; and

(2) the person who made the complaint.

(c) Any interested party, including the county attorney or city attorney, is entitled to present evidence at the hearing.

(d) The court shall order the dog destroyed if the court finds that the dog caused the death of a person by attacking, biting, or mauling the person. If that finding is not made, the court shall order the dog released to:

(1) its owner;

(2) the person from whom the dog was seized; or

(3) any other person authorized to take possession of

1 the dog.

2 (e) The court may order the dog destroyed if the court finds  
3 that the dog caused serious bodily injury to a person by attacking,  
4 biting, or mauling the person. If that finding is not made, the  
5 court shall order the dog released to:

6 (1) its owner;

7 (2) the person from whom the dog was seized; or

8 (3) any other person authorized to take possession of  
9 the dog.

10 (f) The court may not order the dog destroyed if the court  
11 finds that the dog caused the serious bodily injury to a person by  
12 attacking, biting, or mauling the person and:

13 (1) the dog was being used for the protection of a  
14 person or person's property, the attack, bite, or mauling occurred  
15 in an enclosure in which the dog was being kept, and:

16 (A) the enclosure was reasonably certain to  
17 prevent the dog from leaving the enclosure on its own and provided  
18 notice of the presence of a dog; and

19 (B) the injured person was at least eight years  
20 of age, and was trespassing in the enclosure when the attack, bite,  
21 or mauling occurred;

22 ~~(2) the dog was not being used for the protection of a~~  
23 ~~person or person's property, the attack, bite, or mauling occurred~~  
24 ~~in an enclosure in which the dog was being kept, and the injured~~  
25 ~~person was at least eight years of age and was trespassing in the~~  
26 ~~enclosure when the attack, bite, or mauling occurred;~~

27 (2) ~~(3)~~ the attack, bite, or mauling occurred during

1 an arrest or other action of a peace officer while the peace officer  
2 was using the dog for law enforcement purposes;

3 (3) ~~(4)~~ the dog was defending a person from an assault  
4 or person's property from damage or theft by the injured person; or

5 ~~[(5) the injured person was younger than eight years~~  
6 ~~of age, the attack, bite, or mauling occurred in an enclosure in~~  
7 ~~which the dog was being kept, and the enclosure was reasonably~~  
8 ~~certain to keep a person younger than eight years of age from~~  
9 ~~entering.]~~

10 SECTION 2. This Act takes effect September 1, 2007.