

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

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 20, 2007**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: SB411** by Shapleigh ( Relating to dog attacks on persons; creating an offense.), **Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Health and Safety Code by creating as a third degree felony if a person, with criminal negligence, is the owner of a dog that makes an unprovoked attack on another person at a location other than the owner's property or of a dangerous dog that makes an unprovoked attack outside a secure enclosure in which the dog is restrained and the attack causes serious bodily injury. If the attack were to cause death, the offense would be a second degree felony.

The bill would repeal Section 822.044(d), Health and Safety Code, therefore removing the authorization for a civil penalty in addition to criminal prosecution of the offense of attack by a dangerous dog.

The provisions of the bill would apply only to an offense committed on or after the effective date of the bill, which would be September 1, 2007.

It is unknown how many such attacks occur annually, but it is assumed that it would be few enough that the fiscal impact for enforcement and punishment would not be significant. In addition, it is anticipated that the number of civil cases, in which the county or municipality under current statute retains a portion of penalties collected, would not result in a significant revenue loss.

**Local Government Impact**

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

**Source Agencies:** 696 Department of Criminal Justice

**LBB Staff:** JOB, ES, DB, GG