

## **BILL ANALYSIS**

H.B. 405  
By: Harless  
State Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Animal control officers often face hostile and dangerous situations when performing their public duties. Two fairly recent examples from Harris County serve to illustrate this point. In 2007, a Harris County animal control officer used his flashlight to fend off two charging pit bulls that the officer was attempting to subdue, after the animals had escaped their enclosure and killed a neighbor's Boston terrier. In 2008, an animal control officer was physically charged by a male pit bull after catching the accompanying female pit bull with his catch pole. The officer fended off the male dog by placing the female dog between the male dog and himself.

A bite prevention stick, a piece of protective equipment used by animal control officers and approved for use by the National Animal Control Association, is a telescoping piece of metal, carried in a belt holster, that is eight inches in length when not extended and 26 to 30 inches in length when fully extended.

Currently, animal control officers in several jurisdictions throughout Texas use bite prevention sticks. It has been noted, however, that because of the bite prevention stick's similarity to a prohibited "club" under Section 46.01, Penal Code, an animal control officer carrying a bite prevention stick is committing a criminal violation of Sections 46.02 and 46.03, Penal Code.

H.B. 405 clarifies that an animal control officer may carry a club designed for protecting against the bite of an animal while the officer is performing official duties.

### **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**

H.B. 405 amends the Penal Code to exempt an animal control officer who possesses or carries an instrument used specifically for deterring the bite of an animal while the officer is in the performance of official duties or is traveling to or from a place of duty from statutory provisions that prohibit a person from possessing or carrying a club under certain circumstances.

### **EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.