

BILL ANALYSIS

H.B. 1046
By: Homer
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law provides for a single level of appeal of a decision to sell an animal at public auction and prohibits the appeal of orders to give away or humanely destroy an animal.

H.B. 1046 removes the restriction on appeals.

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. 1046 amends the Health and Safety Code to remove the prohibition against appealing a decision of the county court or county court at law relating to the disposition of a cruelly treated animal. The bill removes the prohibition against appeal, by an owner of such an animal, of a court order that gives the animal to a nonprofit animal shelter, pound, or society for the protection of animals, or of a court order to humanely destroy the animal. The bill provides that an owner divested of ownership of an animal under the provisions relating to the disposition of cruelly treated animals may appeal the order. The bill specifies that an owner must file an appeal bond to cover the estimated expenses incurred in housing and caring for the impounded animal during the appeal process in an amount determined by the court from which the appeal is taken, rather than by the justice or municipal court.

EFFECTIVE DATE

September 1, 2009.