

BILL ANALYSIS

Senate Research Center
81R31341 ALB-F

C.S.H.B. 3004
By: Coleman (Jackson, Mike)
Intergovernmental Relations
5/14/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Chapter 823 (Animal Shelters), Health and Safety Code, establishes standards for animal shelters. The Department of State Health Services (DSHS) is responsible for inspecting shelters for compliance with the statute. The current definition states that an animal shelter is a "facility that keeps or legally impounds stray, homeless, abandoned, or unwanted animals." In practice, DSHS does not have the resources to inspect the numerous privately operated backyard kennels in counties such as Harris County.

Serious public health, safety, environmental, and animal cruelty concerns can be associated with these operations, and unlike other sources for acquiring a pet, these private kennels can circumvent mechanisms for ensuring that an animal is appropriately registered, vaccinated, and spayed or neutered. Currently, counties are not authorized to inspect these facilities or issue citations for specific violations of the standards.

C.S.H.B. 3004 amends current law relating to animal shelter standards and provides a civil penalty.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 823, Health and Safety Code, by adding Sections 823.008 and 823.009, as follows:

Sec. 823.008. ENFORCEMENT BY COUNTY. (a) Authorizes a county to enforce this chapter.

(b) Provides that this section does not authorize a county to establish standards for operating an animal shelter.

(c) Prohibits a county from enforcing this chapter at an animal shelter operated by a municipality.

Sec. 823.009. CIVIL PENALTY. (a) Prohibits a person from causing, suffering, allowing, or permitting a violation of this chapter or a rule adopted under this chapter.

(b) Requires that a person who violates this chapter or a rule adopted under this chapter be assessed a civil penalty. Prohibits a civil penalty under this chapter from being less than \$100 or more than \$500 for each violation and for each day of a continuing violation. Provides that this subsection does not apply at an animal shelter operated by a municipality.

(c) Authorizes the county or municipality in which the violation occurs, if it appears that a person has violated, is violating, or is threatening to violate this chapter or a rule adopted under this chapter, to institute a civil suit in district court for injunctive relief to restrain the person from continuing the violation or threat

of violation, the assessment and recovery of the civil penalty, or both injunctive relief and the civil penalty.

(d) Provides that a bond is not required in an action brought under this section.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2009.