

AN ACT

relating to the authority of an animal control officer to carry a bite prevention stick in the performance of official duties.

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

SECTION 1. Section 46.15, Penal Code, is amended by adding Subsection (g) to read as follows:

(g) The provisions of Sections 46.02 and 46.03 prohibiting the possession or carrying of a club do not apply to an animal control officer who holds a certificate issued under Section 829.006, Health and Safety Code, and 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 under the Health and Safety Code or is traveling to or from a place of duty.

SECTION 2. Section 829.003(a), Health and Safety Code, is amended to read as follows:

(a) The department shall prescribe the standards and curriculum for basic and continuing education animal control courses. The curriculum for both the basic and continuing education courses must include the following topics:

(1) state laws governing animal control and protection and animal cruelty;

(2) animal health and disease recognition, control, and prevention;

(3) the humane care and treatment of animals;

1 (4) standards for care and control of animals in an
2 animal shelter;

3 (5) standards and procedures for the transportation of
4 animals;

5 (6) principles and procedures for capturing and
6 handling stray domestic animals and wildlife, including principles
7 and procedures to be followed with respect to an instrument used
8 specifically for deterring the bite of an animal;

9 (7) first aid for injured animals;

10 (8) the documentation of animal cruelty evidence and
11 courtroom procedures;

12 (9) animal shelter operations and administration;

13 (10) spaying and neutering, microchipping, and
14 adoption;

15 (11) communications and public relations;

16 (12) state and federal laws for possession of
17 controlled substances and other medications; and

18 (13) any other topics pertinent to animal control and
19 animal shelter personnel.

20 SECTION 3. Section 829.003(a), Health and Safety Code, as
21 amended by this Act, applies to the curriculum required for basic
22 and continuing education animal control courses offered under
23 Section 829.004, Health and Safety Code, on or after January 1,
24 2010.

25 SECTION 4. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

H.B. No. 405

1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 405 was passed by the House on April 2, 2009, by the following vote: Yeas 146, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 405 was passed by the Senate on May 21, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor