

1-1 By: Harless (Senate Sponsor - Huffman) H.B. No. 405
1-2 (In the Senate - Received from the House April 6, 2009;
1-3 April 7, 2009, read first time and referred to Committee on
1-4 Criminal Justice; May 14, 2009, reported favorably by the
1-5 following vote: Yeas 7, Nays 0; May 14, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the authority of an animal control officer to carry a
1-9 bite prevention stick in the performance of official duties.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 46.15, Penal Code, is amended by adding
1-12 Subsection (g) to read as follows:

1-13 (g) The provisions of Sections 46.02 and 46.03 prohibiting
1-14 the possession or carrying of a club do not apply to an animal
1-15 control officer who holds a certificate issued under Section
1-16 829.006, Health and Safety Code, and who possesses or carries an
1-17 instrument used specifically for deterring the bite of an animal
1-18 while the officer is in the performance of official duties under the
1-19 Health and Safety Code or is traveling to or from a place of duty.

1-20 SECTION 2. Section 829.003(a), Health and Safety Code, is
1-21 amended to read as follows:

1-22 (a) The department shall prescribe the standards and
1-23 curriculum for basic and continuing education animal control
1-24 courses. The curriculum for both the basic and continuing
1-25 education courses must include the following topics:

1-26 (1) state laws governing animal control and protection
1-27 and animal cruelty;

1-28 (2) animal health and disease recognition, control,
1-29 and prevention;

1-30 (3) the humane care and treatment of animals;

1-31 (4) standards for care and control of animals in an
1-32 animal shelter;

1-33 (5) standards and procedures for the transportation of
1-34 animals;

1-35 (6) principles and procedures for capturing and
1-36 handling stray domestic animals and wildlife, including principles
1-37 and procedures to be followed with respect to an instrument used
1-38 specifically for deterring the bite of an animal;

1-39 (7) first aid for injured animals;

1-40 (8) the documentation of animal cruelty evidence and
1-41 courtroom procedures;

1-42 (9) animal shelter operations and administration;

1-43 (10) spaying and neutering, microchipping, and
1-44 adoption;

1-45 (11) communications and public relations;

1-46 (12) state and federal laws for possession of
1-47 controlled substances and other medications; and

1-48 (13) any other topics pertinent to animal control and
1-49 animal shelter personnel.

1-50 SECTION 3. Section 829.003(a), Health and Safety Code, as
1-51 amended by this Act, applies to the curriculum required for basic
1-52 and continuing education animal control courses offered under
1-53 Section 829.004, Health and Safety Code, on or after January 1,
1-54 2010.

1-55 SECTION 4. This Act takes effect immediately if it receives
1-56 a vote of two-thirds of all the members elected to each house, as
1-57 provided by Section 39, Article III, Texas Constitution. If this
1-58 Act does not receive the vote necessary for immediate effect, this
1-59 Act takes effect September 1, 2009.

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