

By: Homer

H.B. No. 1046

A BILL TO BE ENTITLED

AN ACT

relating to the appeals process in the disposition of cruelly treated animals.

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

SECTION 1. Section 821.025(a), Health and Safety Code, is amended to read as follows:

(a) An owner divested of ownership of an animal under Section 821.023 [~~ordered sold at public auction as provided in this subchapter~~] may appeal the order to a county court or county court at law in the county in which the justice or municipal court is located. As a condition of perfecting an appeal, the owner must file an appeal bond in an amount determined by the [~~justice or municipal~~] court from which the appeal is taken to be adequate to cover the estimated expenses incurred in housing and caring for the impounded animal during the appeal process. [~~The decision of the county court or county court at law may not be further appealed. An owner may not appeal an order.~~

~~[(1) to give the animal to a nonprofit animal shelter, pound, or society for the protection of animals; or~~

~~[(2) to humanely destroy the animal.]~~

SECTION 2. The change in law made by this Act applies only to an appeal of a court order made on or after the effective date of this Act. An appeal of a court order made before the effective date of this Act is covered by the law in effect when the appeal was made,

1 and the former law is continued in effect for that purpose.

2 SECTION 3. This Act takes effect September 1, 2009.