

By: Coleman

H.B. No. 3004

Substitute the following for H.B. No. 3004:

By: Naishtat

C.S.H.B. No. 3004

A BILL TO BE ENTITLED

AN ACT

relating to animal shelter standards; providing a civil penalty.

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

SECTION 1. Chapter 823, Health and Safety Code, is amended by adding Sections 823.008 and 823.009 to read as follows:

Sec. 823.008. ENFORCEMENT BY COUNTY. (a) A county may enforce this chapter.

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

(c) A county may not enforce this chapter at an animal shelter operated by a municipality.

Sec. 823.009. CIVIL PENALTY. (a) A person may not cause, suffer, allow, or permit a violation of this chapter or a rule adopted under this chapter.

(b) A person who violates this chapter or a rule adopted under this chapter shall be assessed a civil penalty. A civil penalty under this chapter may not be less than \$100 or more than \$500 for each violation and for each day of a continuing violation.

(c) If it appears that a person has violated, is violating, or is threatening to violate this chapter or a rule adopted under this chapter, the county or municipality in which the violation occurs may institute a civil suit in district court for:

(1) injunctive relief to restrain the person from continuing the violation or threat of violation;

1           (2) the assessment and recovery of the civil penalty;

2 or

3           (3) both injunctive relief and the civil penalty.

4           (d) A bond is not required in an action brought under this  
5 section.

6           (e) If a county or municipality prevails in a suit brought  
7 under this section, the county or municipality is entitled to the  
8 award of reasonable costs of investigation, reasonable attorney's  
9 fees, and costs of court.

10           SECTION 2. The change in law made by this Act applies only  
11 to conduct that occurs on or after the effective date of this Act.  
12 Conduct that occurs before the effective date of this Act is  
13 governed by the law in effect at the time the conduct occurred, and  
14 the former law is continued in effect for that purpose.

15           SECTION 3. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2009.