

1-1 By: Jackson S.B. No. 1860  
1-2 (In the Senate - Filed March 11, 2009; March 24, 2009, read  
1-3 first time and referred to Committee on Intergovernmental  
1-4 Relations; April 17, 2009, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;  
1-6 April 17, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1860 By: Gallegos

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to animal shelter standards; providing a civil penalty.  
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-12 SECTION 1. Chapter 823, Health and Safety Code, is amended  
1-13 by adding Sections 823.008 and 823.009 to read as follows:  
1-14 Sec. 823.008. ENFORCEMENT BY COUNTY. (a) A county may  
1-15 enforce this chapter.  
1-16 (b) This section does not authorize a county to establish  
1-17 standards for operating an animal shelter.  
1-18 (c) A county may not enforce this chapter at an animal  
1-19 shelter operated by a municipality.  
1-20 Sec. 823.009. CIVIL PENALTY. (a) A person may not cause,  
1-21 suffer, allow, or permit a violation of this chapter or a rule  
1-22 adopted under this chapter.  
1-23 (b) A person who violates this chapter or a rule adopted  
1-24 under this chapter shall be assessed a civil penalty. A civil  
1-25 penalty under this chapter may not be less than \$100 or more than  
1-26 \$500 for each violation and for each day of a continuing violation.  
1-27 (c) If it appears that a person has violated, is violating,  
1-28 or is threatening to violate this chapter or a rule adopted under  
1-29 this chapter, the county or municipality in which the violation  
1-30 occurs may institute a civil suit in district court for:  
1-31 (1) injunctive relief to restrain the person from  
1-32 continuing the violation or threat of violation;  
1-33 (2) the assessment and recovery of the civil penalty;  
1-34 or  
1-35 (3) both injunctive relief and the civil penalty.  
1-36 (d) A bond is not required in an action brought under this  
1-37 section.  
1-38 SECTION 2. The change in law made by this Act applies only  
1-39 to conduct that occurs on or after the effective date of this Act.  
1-40 Conduct that occurs before the effective date of this Act is  
1-41 governed by the law in effect at the time the conduct occurred, and  
1-42 the former law is continued in effect for that purpose.  
1-43 SECTION 3. This Act takes effect immediately if it receives  
1-44 a vote of two-thirds of all the members elected to each house, as  
1-45 provided by Section 39, Article III, Texas Constitution. If this  
1-46 Act does not receive the vote necessary for immediate effect, this  
1-47 Act takes effect September 1, 2009.

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