

Amend CSSB 958 by adding the following:

SECTION 1. Section 822.101, Health and Safety Code, is amended by adding Subdivision (6-a) to read as follows:

(6-a) "Predatory animal" means:

(A) a lion;

(B) a tiger;

(C) a cougar;

(D) a leopard;

(E) a cheetah;

(F) a jaguar;

(G) any hybrid of an animal listed in this subdivision.

SECTION 2. Section 822.102(a), Health and Safety Code, is amended to read as follows:

(a) This subchapter does not apply to:

(1) a county, municipality, or agency of the state or an agency of the United States or an agent or official of a county, municipality, or agency acting in an official capacity;

(2) a research facility, as that term is defined by Section 2(e), Animal Welfare Act (7 U.S.C. Section 2132), and its subsequent amendments, that is licensed by the secretary of agriculture of the United States under that Act;

(3) an organization that is an accredited member of the American Zoo and Aquarium Association;

(4) an injured, infirm, orphaned, or abandoned dangerous wild animal while being transported for care or treatment;

(5) an injured, infirm, orphaned, or abandoned dangerous wild animal while being rehabilitated, treated, or cared for by a licensed veterinarian, an incorporated humane society or animal shelter, or a person who holds a rehabilitation permit issued under Subchapter C, Chapter 43, Parks and Wildlife Code;

(6) a dangerous wild animal owned by and in the custody and control of a transient circus company that is not based in this state if:

(A) the animal is used as an integral part of the circus performances; and

(B) the animal is kept within this state only during the time the circus is performing in this state or for a period not to exceed 30 days while the circus is performing outside the United States;

(7) a dangerous wild animal while in the temporary custody or control of a television or motion picture production company during the filming of a television or motion picture production in this state;

(8) a dangerous wild animal owned by and in the possession, custody, or control of a college or university solely as a mascot for the college or university;

(9) a dangerous wild animal while being transported in interstate commerce through the state in compliance with the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent amendments and the regulations adopted under that Act;

(10) a nonhuman primate owned by and in the control and custody of a person whose only business is supplying nonhuman primates directly and exclusively to biomedical research facilities and who holds a Class "A" or Class "B" dealer's license issued by the secretary of agriculture of the United States under the Animal Welfare Act (7 U.S.C. Section 1 2131 et seq.) and its subsequent amendments;

(11) a dangerous wild animal that is:

(A) owned by or in the possession, control, or custody of a person who is a participant in a species survival plan of the American Zoo and Aquarium Association for that species; and

(B) an integral part of that species survival plan; ~~and~~

(12) in a county west of the Pecos River that has a population of less than 25,000, a cougar, bobcat, or coyote in the possession, custody, or control of a person that has trapped the cougar, bobcat, or coyote as part of a predator or depredation control activity;

(13) an organization that is an accredited member of:

(A) the Zoological Association of America;

(B) the American Sanctuary Association; or

(C) the Global Federation of Animal Sanctuaries;

or

(D) the Feline Conservation Federation; and

(14) a Class "C" exhibitor such as a theme park, holding a valid Animal Welfare Act Class "C" license issued by the Animal and Plant Health Inspection Service (9 C.F.R §1.1), also known as Exhibitor, and any entities or individuals, including independent contractors, working under contract with and for the Exhibitor to exhibit animals;

(15) a dangerous wild animal that is owned by or in the possession, custody, or control of a nonprofit organization that is dedicated to rescuing animals and educating the public, if the organization:

(A) is subject to inspection by the Animal and Plant Health Inspection Service of the United States Department of Agriculture as a Class A or Class C licensee under federal regulations;

(B) is a holder of a display permit issued by this state or a county authority;

(C) does not purchase a dangerous wild animal;
and

(D) does not obtain a dangerous wild animal from a commercial breeder or a person engaged in the traffic or sale of a dangerous wild animal unless the animal is surrendered to the organization by a person who possesses the animal, including a law enforcement agency or applicable regulatory authority that confiscates the animal.

SECTION 3. The heading to Section 822.103, Health and Safety Code, is amended to read as follows:

Sec. 822.103. CERTIFICATE OF REGISTRATION; RESTRICTIONS;
FEES.

SECTION 4. Section 822.103(c), Health and Safety Code, is amended to read as follows:

(c) The animal registration agency may establish and charge reasonable fees for application, issuance, and renewal of a certificate of registration in order to recover the costs associated with the administration and enforcement of this subchapter. The fee charged to an applicant may not exceed \$50 for

each dangerous wild animal registered and may not exceed \$500 for each person registering animals, regardless of the number of animals owned by the person, unless the animal is a predatory animal. The fee charged to an applicant may not exceed \$500 for each dangerous wild animal registered that is a predatory animal. The fees collected under this section may be used only to administer and enforce this subchapter.

SECTION 5. Section 822.104(b), Health and Safety Code, is amended to read as follows:

(b) The application must include:

(1) the name, address, and telephone number of the applicant;

(2) a complete identification of each animal, including species, sex, age, if known, and any distinguishing marks or coloration that would aid in the identification of the animal;

(3) the exact location where each animal is to be kept;

(4) a sworn statement that:

(A) all information in the application is complete and accurate; and

(B) the applicant has read this subchapter and that all facilities used by the applicant to confine or enclose the animal comply with the requirements of this subchapter; ~~and~~

(5) the name of the person who owned the animal immediately before the applicant if the animal is a predatory animal;

(6) the address where the applicant obtained the animal if the animal is a predatory animal; and

(7) any other information the animal registration agency may require.

SECTION 6. Section 822.105, Health and Safety Code, is amended by adding Subsection (e) to read as follows:

(e) A person who is denied a certificate of registration for a dangerous wild animal that is a predatory animal may not reapply for a certificate of registration for a predatory animal before the first anniversary of the date:

(1) the denial of an application for a certificate of registration becomes final; or

(2) the revocation of a certificate of registration becomes final.

SECTION 7. Section 822.107, Health and Safety Code, is amended to read as follows:

Sec. 822.107. LIABILITY INSURANCE. (a) Except as provided by Subsection (b), an [An] owner of a dangerous wild animal shall maintain liability insurance coverage in an amount of not less than \$100,000 for each occurrence for liability for damages for destruction of or damage to property and death or bodily injury to a person caused by the dangerous wild animal.

(b) An owner of a dangerous wild animal that is a predatory animal shall maintain liability insurance coverage in an amount sufficient to cover liability for damages for destruction of or damage to property and death or bodily injury to a person caused by the predatory animal.

(c) The executive commissioner of the Health and Human Services Commission by rule shall establish insurance requirements and standards to ensure that an owner of a dangerous wild animal that is a predatory animal maintains liability insurance coverage in an amount that protects and enhances the public's health and safety.

(d) An owner of a dangerous wild animal that is a predatory animal shall comply with the insurance requirements and standards established under Subsection (c).

SECTION 8. Section 822.113(c), Health and Safety Code, is amended to read as follows:

(c) An offense under this section is:

(1) a Class C misdemeanor; or

(2) a Class B misdemeanor if the dangerous wild animal with respect to which there is a violation is a predatory animal.

SECTION 9. Section 822.115, Health and Safety Code, is amended to read as follows:

Sec. 822.115. INJUNCTION. (a) Any person who is directly harmed or threatened with harm by a violation of this subchapter or a failure to enforce this subchapter may sue an owner of a dangerous wild animal to enjoin a violation of this subchapter or to enforce this subchapter.

(b) Any person who lives or owns property in the county where a dangerous wild animal that is a predatory animal is kept may sue the owner of the animal to enjoin a violation of this subchapter or to enforce this subchapter.

SECTION 10. (a) The changes in law made by this Act to Sections 822.103, 822.104, and 822.105, Health and Safety Code, apply to an application for an original or renewal certificate of registration for a dangerous wild animal that is a predatory animal filed on or after the effective date of this Act. An application for a certificate of registration for a dangerous wild animal that is a predatory animal filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

(b) The change in law made by this Act to Section 822.113(c), Health and Safety Code, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before the effective date of this Act if any element 1 of the offense occurred before that date.

SECTION 11. This Act takes effect September 1, 2011.