

BILL ANALYSIS

C.S.H.B. 251
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Culture, Recreation & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Some observers are concerned that current law does not adequately regulate certain dangerous wild animals to ensure public safety and the safety of such animals. C.S.H.B. 251 seeks to protect the public from certain dangerous wild animals by amending the applicable provisions of law.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 7 of this bill.

ANALYSIS

C.S.H.B. 251 amends the Health and Safety Code to expand the list of entities and animals to which provisions of law relating to dangerous wild animals do not apply to include an organization that is an accredited member of the Zoological Association of America, the American Sanctuary Association, or the Global Federation of Animal Sanctuaries and 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 and meets certain other requirements.

C.S.H.B. 251 makes the prohibition against the fee charged by an animal registration agency to an applicant for an original or renewal certificate of registration for a dangerous wild animal from exceeding \$500 for each person registering animals, regardless of the number of animals owned by the person, inapplicable if the animal is a predatory animal and prohibits the fee charged to such an applicant from exceeding \$500 for each dangerous wild animal registered that is a predatory animal. The bill defines "predatory animal" to mean a lion, tiger, cougar, leopard, cheetah, jaguar, bobcat, or any hybrid of those animals. The bill expands the information that must be provided in an application for such a certificate of registration to include, if the animal is a predatory animal, the name of the person who owned the animal immediately before the applicant and the address where the applicant obtained the animal. The bill prohibits a person who is denied a certificate of registration for a dangerous wild animal that is a predatory animal from reapplying for a certificate of registration for a predatory animal before the first anniversary of the date the denial of such an application or the revocation of a certificate of registration becomes final.

C.S.H.B. 251 requires an owner of a dangerous wild animal that is a predatory animal to 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. The bill requires the executive commissioner of the Health and Human Services Commission by rule to 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 and requires an owner of such an animal to comply with those insurance requirements and standards.

C.S.H.B. 251 enhances from a Class C to a Class B misdemeanor the penalty for an offense established under provisions of law relating to the regulation of dangerous wild animals if the animal with respect to which there is a violation is a predatory animal. The bill authorizes any person who lives or owns property in the county where a dangerous wild animal that is a predatory animal is kept to sue the owner of the animal to enjoin a violation of provisions of law relating to the regulation of dangerous wild animals or to enforce those provisions. The bill makes conforming and nonsubstantive changes.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 251 contains a provision not included in the original defining "predatory animal."

C.S.H.B. 251, in the list of entities and animals to which provisions of law relating to dangerous wild animals do not apply, differs from the original in the following ways:

- retaining in that list an injured, infirm, orphaned, or abandoned dangerous wild animal while being rehabilitated, treated, or cared for by certain parties, whereas the original removes such an animal from that list;
- adding to that list an organization that is an accredited member of the Zoological Association of America, the American Sanctuary Association, or the Global Federation of Animal Sanctuaries; and
- adding to that list 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 that organization meets certain conditions.

C.S.H.B. 251, in a provision exempting a person from the prohibition against owning, harboring, or having custody or control of a dangerous wild animal for any purpose, omits conditions for such an exemption included in the original that the location where the animal is kept is five or more miles from any school, church, or day care and that the person has two or more acres for each animal registered at the location where the animal is kept.

C.S.H.B. 251 omits a provision included in the original raising the cap on the fee charged by an animal registration agency to an applicant for an original or renewal certificate of registration for a dangerous animal from \$50 to \$500 for each animal registered. The substitute differs from the original by making a provision prohibiting the fee for such a certificate from exceeding \$500 for each person registering animals, regardless of the number of animals owned by the person, inapplicable if the animal is a predatory animal and prohibiting the fee from exceeding \$500 for each dangerous wild animal registered that is a predatory animal, whereas the original removes the prohibition against the fee exceeding \$500 for each person registering dangerous wild animals, regardless of the number of such animals owned by the person.

C.S.H.B. 251, in a provision listing the information that is required to be provided in an application for a certificate of registration, contains a specification not included in the original that such information include, if the animal is a predatory animal, the name of the person who owned the animal immediately before the applicant and the address where the applicant obtained the animal.

C.S.H.B. 251, in a provision prohibiting a person from reapplying for a certificate of registration for a predatory animal before the first anniversary of the date a denial of such an application or revocation of a certificate of registration becomes final, contains a specification not included in the original that the denial and reapplication refers to a certificate of registration for a dangerous

wild animal that is a predatory animal.

C.S.H.B. 251 differs from the original by requiring an owner of a dangerous wild animal that is a predatory animal to 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, whereas the original makes that requirement applicable to an owner of any dangerous wild animal and removes the specification, which the substitute retains, requiring such coverage to be in an amount of not less than \$100,000 for each occurrence for liability for such damages.

C.S.H.B. 251, in a provision relating to the establishment of insurance requirements and standards by the executive commissioner of the Health and Human Services Commission by rule to ensure that an owner of a dangerous wild animal maintains liability insurance coverage in an amount that protects and enhances the public's health and safety and in a provision relating to the compliance with those requirements and standards by an owner of a dangerous wild animal, contains specifications not included in the original that those provisions apply to the owner of a dangerous wild animal that is a predatory animal.

C.S.H.B. 251 differs from the original by enhancing from a Class C to a Class B misdemeanor the penalty for an offense established under provisions of law relating to the regulation of dangerous wild animals if the animal with respect to which there is a violation is a predatory animal, whereas the original makes that penalty increase applicable to an offense established under those provisions without condition.

C.S.H.B. 251 differs from the original by retaining statutory language authorizing a person who is directly harmed or threatened with harm by a violation of provisions of law relating to the regulation of dangerous wild animals or a failure to enforce those provisions to sue an owner of a dangerous wild animal to enjoin a violation of those provisions of law or to enforce those provisions, whereas the original removes that statutory language. The substitute differs from the original by authorizing any person who lives or owns property in the county where a dangerous wild animal that is a predatory animal is kept to sue the owner of the animal to enjoin a violation of provisions of law relating to the regulation of dangerous wild animals or to enforce those provisions, whereas the original makes that authorization applicable to the county or municipality where any dangerous wild animal is kept and to any person who lives or owns property in a county where any dangerous wild animal is kept.

C.S.H.B. 251 contains a specification not included in the original that the saving provisions applicable to an application for a certificate or registration for a dangerous wild animal refer to an application for either an original or renewal certificate of registration for a dangerous wild animal that is a predatory animal.

C.S.H.B. 251 differs from the original in conforming and nonsubstantive ways.