

BILL ANALYSIS

C.S.H.B. 2679
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County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Certain law outlines the process by which a dog may be declared dangerous by a municipal or justice court and provides for the right to an appeal of a dangerous dog determination. A county court, however, is limited in its jurisdiction over such an appeal. C.S.H.B. 2679 seeks to address that issue by establishing provisions relating to appeals regarding dangerous dogs.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2679 amends the Health and Safety Code to authorize a party to an appeal of an animal control authority determination that a dog is dangerous or a hearing determining that a dog is dangerous to appeal the order to a county court or county court at law in the county in which the justice or municipal court is located. The bill requires the appellant, as a condition of perfecting an appeal, to file a notice of appeal and, if applicable, an appeal bond in the amount determined by the court from which the appeal is taken not later than the 10th calendar day after the date the order is issued. The bill establishes that a county court or a county court at law has jurisdiction to hear an appeal filed under the bill's provisions.

C.S.H.B. 2679 entitles the owner of a dog that has been determined dangerous by an animal control authority to a jury trial on request. The bill authorizes the owner to appeal the decision of a court in the manner described by the bill's provisions, rather than in the same manner as appeal for other cases from the justice, county, or municipal courts.

C.S.H.B. 2679 requires the court to determine the estimated costs to house and care for an impounded animal during the appeal process and to set the amount of bond for an appeal adequate to cover those estimated costs. The bill specifies that the owner or person filing the action is authorized to appeal the decision made after a hearing in the manner described by the bill's provisions, rather than in the manner provided for the appeal of cases from the municipal, justice, or county court.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2679, in provisions authorizing a party to an appeal of an animal control authority determination that a dog is dangerous or a hearing determining that a dog is dangerous to appeal the order to a certain court, omits a provision included in the original requiring the court to consider the matter de novo and entitling any party to a trial by jury on request. The substitute

omits a provision included in the original specifying that a person filing such an appeal from a municipal court is not required to file a motion for a new trial to perfect an appeal.