

By: Hilderbran

H.B. No. 251

Substitute the following for H.B. No. 251:

By: Larson

C.S.H.B. No. 251

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the regulation of dangerous wild animals; imposing a
3 penalty.

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

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

7 (6-a) "Predatory animal" means:

8 (A) a lion;

9 (B) a tiger;

10 (C) a cougar;

11 (D) a leopard;

12 (E) a cheetah;

13 (F) a jaguar;

14 (G) a bobcat; or

15 (H) any hybrid of an animal listed in this
16 subdivision.

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

19 (a) This subchapter does not apply to:

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

23 (2) a research facility, as that term is defined by
24 Section 2(e), Animal Welfare Act (7 U.S.C. Section 2132), and its

1 subsequent amendments, that is licensed by the secretary of
2 agriculture of the United States under that Act;

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

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

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

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

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

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

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

26 (8) a dangerous wild animal owned by and in the
27 possession, custody, or control of a college or university solely

1 as a mascot for the college or university;

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

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

13 (11) a dangerous wild animal that is:

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

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

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

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

25 (A) the Zoological Association of America;

26 (B) the American Sanctuary Association; or

27 (C) the Global Federation of Animal Sanctuaries;

1 and

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

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

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

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

13 and

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

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

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

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

26 (c) The animal registration agency may establish and charge
27 reasonable fees for application, issuance, and renewal of a

1 certificate of registration in order to recover the costs
2 associated with the administration and enforcement of this
3 subchapter. The fee charged to an applicant may not exceed \$50 for
4 each dangerous wild animal registered and may not exceed \$500 for
5 each person registering animals, regardless of the number of
6 animals owned by the person, unless the animal is a predatory
7 animal. The fee charged to an applicant may not exceed \$500 for
8 each dangerous wild animal registered that is a predatory animal.
9 The fees collected under this section may be used only to administer
10 and enforce this subchapter.

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

13 (b) The application must include:

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

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

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

20 (4) a sworn statement that:

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

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

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

1 animal;

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

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

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

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

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

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

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

18 Sec. 822.107. LIABILITY INSURANCE. (a) Except as provided
19 by Subsection (b), an [An] owner of a dangerous wild animal shall
20 maintain liability insurance coverage in an amount of not less than
21 \$100,000 for each occurrence for liability for damages for
22 destruction of or damage to property and death or bodily injury to a
23 person caused by the dangerous wild animal.

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

1 the predatory animal.

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

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

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

13 (c) An offense under this section is:

14 (1) a Class C misdemeanor; or

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

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

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

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

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

10 (b) The change in law made by this Act to Section
11 822.113(c), Health and Safety Code, applies only to an offense
12 committed on or after the effective date of this Act. An offense
13 committed before the effective date of this Act is governed by the
14 law in effect on the date the offense was committed, and the former
15 law is continued in effect for that purpose. For purposes of this
16 subsection, an offense was committed before the effective date of
17 this Act if any element of the offense occurred before that date.

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