

AN ACT

relating to the costs associated with proceedings regarding cruelly treated animals.

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

SECTION 1. Section 821.021, Health and Safety Code, is amended to read as follows:

Sec. 821.021. DEFINITIONS [~~DEFINITION~~]. In this subchapter:

(1) "Cruelly [~~,"cruelly]~~ treated" includes tortured, seriously overworked, unreasonably abandoned, unreasonably deprived of necessary food, care, or shelter, cruelly confined, or caused to fight with another animal.

(2) "Nonprofit animal welfare organization" means a nonprofit organization that has as its purpose:

(A) the prevention of cruelty to animals; or

(B) the sheltering of, caring for, and providing homes for lost, stray, and abandoned animals.

(3) "Owner" includes a person who owns or has custody or control of an animal.

SECTION 2. Section 821.023, Health and Safety Code, is amended by amending Subsections (d) and (e) and adding Subsections (e-1), (e-2), (e-3), and (e-4) to read as follows:

(d) If the court finds that the animal's owner has cruelly treated the animal, the owner shall be divested of ownership of the

1 animal, and the court shall:

2 (1) order a public sale of the animal by auction;

3 (2) order the animal given to a municipal or county  
4 animal shelter or a nonprofit animal welfare organization [~~shelter,~~  
5 ~~pound, or society for the protection of animals~~]; or

6 (3) order the animal humanely destroyed if the court  
7 decides that the best interests of the animal or that the public  
8 health and safety would be served by doing so.

9 (e) After a [A] court [~~that~~] finds that an animal's owner  
10 has cruelly treated the animal, the court shall order the owner to  
11 pay all court costs, including:

12 (1) the administrative costs of:

13 (A) [~~(1)~~] investigation;

14 (B) [~~(2)~~] expert witnesses; and

15 (C) [~~(3)~~] ~~housing and caring for the animal~~  
16 ~~during its impoundment;~~

17 [~~(4)~~] conducting any public sale ordered by the  
18 court; and

19 (2) the costs incurred by a municipal or county animal  
20 shelter or a nonprofit animal welfare organization in:

21 (A) housing and caring for the animal during its  
22 impoundment; and

23 (B) [~~(5)~~] humanely destroying the animal if  
24 destruction is ordered by the court.

25 (e-1) After a court finds that an animal's owner has cruelly  
26 treated the animal, the court shall determine the estimated costs  
27 likely to be incurred by a municipal or county animal shelter or a

1 nonprofit animal welfare organization to house and care for the  
2 impounded animal during the appeal process.

3 (e-2) After making the determination under Subsection  
4 (e-1), the court at the time of entering the judgment shall set the  
5 amount of bond for an appeal equal to the sum of:

6 (1) the amount of the court costs ordered under  
7 Subsection (e); and

8 (2) the amount of the estimated costs determined under  
9 Subsection (e-1).

10 (e-3) A court may not require a person to provide a bond in  
11 an amount greater than or in addition to the amount determined by  
12 the court under Subsection (e-2) to perfect an appeal under Section  
13 821.025.

14 (e-4) Notwithstanding any other law, the amount of court  
15 costs that a court may order under Subsection (e) and the amount of  
16 bond that a court determines under Subsection (e-2) are excluded in  
17 determining the court's jurisdiction under Subtitle A, Title 2,  
18 Government Code.

19 SECTION 3. Section 821.024(c), Health and Safety Code, is  
20 amended to read as follows:

21 (c) If the officer is unable to sell the animal at auction,  
22 the officer may cause the animal to be humanely destroyed or may  
23 give the animal to a municipal or county animal shelter or a  
24 nonprofit animal welfare organization [~~shelter, pound, or society~~  
25 ~~for the protection of animals~~].

26 SECTION 4. Section 821.025, Health and Safety Code, is  
27 amended to read as follows:

1           Sec. 821.025. APPEAL. (a) An owner divested of ownership  
2 of an animal under Section 821.023 may appeal the order to a county  
3 court or county court at law in the county in which the justice or  
4 municipal court is located.

5           **(b)** As a condition of perfecting an appeal, not later than  
6 the 10th calendar day after the date the order is issued, the owner  
7 must file a notice of appeal and a cash bond or surety [~~an appeal~~  
8 bond in an amount set [~~determined~~] by the court under Section  
9 821.023(e-2) [~~from which the appeal is taken to be adequate to cover~~  
10 ~~the estimated expenses incurred in housing and caring for the~~  
11 ~~impounded animal during the appeal process~~].

12           **(c)** Not later than the fifth calendar day after the date the  
13 notice of appeal and [~~appeal~~] bond is filed, the court from which  
14 the appeal is taken shall deliver a copy of the clerk's record  
15 [~~court's transcript~~] to the clerk of the county court or county  
16 court at law to which the appeal is made.

17           **(d)** Not later than the 10th calendar day after the date the  
18 county court or county court at law, as appropriate, receives a copy  
19 of the clerk's record [~~transcript~~], the court shall consider the  
20 matter de novo and dispose of the appeal. A party to the appeal is  
21 entitled to a jury trial on request.

22           **(e)** The decision of the county court or county court at law  
23 under this section is final and may not be further appealed.

24           **(f)** Notwithstanding Section 30.00014, Government Code, or  
25 any other law, a person filing an appeal from a municipal court  
26 under Subsection (a) is not required to file a motion for a new  
27 trial to perfect an appeal.

1        (g) Notwithstanding any other law, a county court or a  
2 county court at law has jurisdiction to hear an appeal filed under  
3 this section.

4        (h) [~~(b)~~] While an appeal under this section is pending, the  
5 animal may not be:

6                (1) sold or given away as provided by Sections 821.023  
7 and 821.024; or

8                (2) destroyed, except under circumstances which would  
9 require the humane destruction of the animal to prevent undue pain  
10 to or suffering of the animal.

11        SECTION 5. Subchapter B, Chapter 821, Health and Safety  
12 Code, is amended by adding Section 821.026 to read as follows:

13        Sec. 821.026. CONFLICT OF LAWS. In the event of a conflict  
14 between this subchapter and another provision of any other law  
15 relating to an appeal of a disposition regarding a cruelly treated  
16 animal, including the bond required for that appeal, this  
17 subchapter controls.

18        SECTION 6. The change in law made by this Act applies only  
19 to a proceeding commenced under Section 821.023, Health and Safety  
20 Code, on or after the effective date of this Act. A proceeding  
21 commenced before the effective date of this Act is covered by the  
22 law in effect at the time the proceeding is commenced, and the  
23 former law is continued in effect for that purpose.

24        SECTION 7. This Act takes effect September 1, 2011.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 963 was passed by the House on May 13, 2011, by the following vote: Yeas 122, Nays 15, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 963 was passed by the Senate on May 24, 2011, by the following vote: Yeas 28, Nays 1.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor