

By: Hopson, Shelton

H.B. No. 1389

A BILL TO BE ENTITLED

AN ACT

relating to the criminal penalties for the owner of a dog that attacks another person.

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

SECTION 1. Section 822.005, Health and Safety Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Except as provided by Subsection (b-1), an [An] offense under this section is a felony of the third degree [~~unless the attack causes death, in which event the offense is a felony of the second degree~~].

(b-1) An offense under this section is a felony of the second degree if the attack causes death, except that the offense is a felony of the first degree if the attack causes death to a person:

(1) younger than 18 years of age; or

(2) 65 years of age or older.

SECTION 2. The change in law made by this Act 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 section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

1 SECTION 3. This Act takes effect September 1, 2011.