

By: Smith of Tarrant

H.B. No. 2679

A BILL TO BE ENTITLED

AN ACT

relating to appeals regarding dangerous dogs.

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

SECTION 1. Section 822.0421(b), Health and Safety Code, is amended to read as follows:

(b) An owner, not later than the 15th day after the date the owner is notified that a dog owned by the owner is a dangerous dog, may appeal the determination of the animal control authority to a justice, county, or municipal court of competent jurisdiction and is entitled to a jury trial upon request. An owner may appeal the decision of the justice, county, or municipal court in the ~~same~~ manner described by Section 822.0424 ~~[as appeal for other cases from the justice, county, or municipal court]~~.

SECTION 2. Section 822.0423, Health and Safety Code, is amended by adding Subsection (c-1) and amending Subsection (d) to read as follows:

(c-1) The court shall determine the estimated costs to house and care for the impounded animal during the appeal process and shall set the amount of bond for an appeal adequate to cover those estimated costs.

(d) An owner or person filing the action may appeal the decision of the municipal court, justice court, or county court in the manner described by Section 822.0424 ~~[provided for the appeal of cases from the municipal, justice, or county court]~~.

1 SECTION 3. Subchapter D, Chapter 822, Health and Safety  
2 Code, is amended by adding Section 822.0424 to read as follows:

3 Sec. 822.0424. APPEAL. (a) A party to an appeal of an  
4 animal control authority determination under Section 822.0421 or a  
5 hearing under Section 822.0423 may appeal the order to a county  
6 court or county court at law in the county in which the justice or  
7 municipal court is located.

8 (b) As a condition of perfecting an appeal, not later than  
9 the 10th calendar day after the date the order is issued, the  
10 appellant must file a notice of appeal and, if applicable, an appeal  
11 bond in the amount determined by the court from which the appeal is  
12 taken.

13 (c) The court shall consider the matter de novo, and any  
14 party is entitled to a trial by jury upon request.

15 (d) Notwithstanding Section 30.00014, Government Code, or  
16 any other law, a person filing an appeal from a municipal court  
17 under Subsection (a) is not required to file a motion for a new  
18 trial to perfect an appeal.

19 (e) Notwithstanding any other law, a county court or a  
20 county court at law has jurisdiction to hear an appeal filed under  
21 this section.

22 SECTION 4. The change in law made by this Act applies only  
23 to a determination or hearing under Section 822.0421 or 822.0423,  
24 Health and Safety Code, as amended by this Act, or Section 822.0424,  
25 Health and Safety Code, as added by this Act, that occurs on or  
26 after the effective date of this Act. A determination or hearing  
27 that occurs before the effective date of this Act is covered by the

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1 law in effect when the determination or hearing occurred, and the  
2 former law is continued in effect for that purpose.

3 SECTION 5. This Act takes effect September 1, 2011.