

By: Rodriguez of Travis

H.B. No. 297

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, Health and Safety Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Notwithstanding any other law, including a municipal ordinance, an [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 on request.

(c) An owner may appeal the decision of the justice[ ~~county,~~] or municipal court under Subsection (b) 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

1 decision of the municipal or [~~court,~~] justice court[~~, or county~~  
2 ~~court~~] in the manner described by Section 822.0424 [~~provided for~~  
3 ~~the appeal of cases from the municipal, justice, or county court~~].

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

6 Sec. 822.0424. APPEAL. (a) A party to an appeal under  
7 Section 822.0421(c) or a hearing under Section 822.0423 may appeal  
8 the decision to a county court or county court at law in the county  
9 in which the justice or municipal court is located.

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

15 (c) Notwithstanding any other law, a county court or a  
16 county court at law has jurisdiction to hear an appeal filed under  
17 this section.

18 SECTION 4. The change in law made by this Act applies only  
19 to a determination, decision, or hearing under Section 822.0421 or  
20 822.0423, Health and Safety Code, as amended by this Act, or Section  
21 822.0424, Health and Safety Code, as added by this Act, that occurs  
22 on or after the effective date of this Act. A determination,  
23 decision, or hearing that occurs before the effective date of this  
24 Act is covered by the law in effect when the determination,  
25 decision, or hearing occurred, and the former law is continued in  
26 effect for that purpose.

27 SECTION 5. This Act takes effect September 1, 2013.