

By: Anderson, Perry

H.B. No. 2761

Substitute the following for H.B. No. 2761:

By: White

C.S.H.B. No. 2761

A BILL TO BE ENTITLED

AN ACT

relating to the control of stray bison and other estrays.

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

SECTION 1. Section 142.001, Agriculture Code, is amended by amending Subdivision (1) and adding Subdivision (2) to read as follows:

(1) "Estray" means stray livestock, stray exotic livestock, stray bison, or stray exotic fowl.

(2) "Perilous condition" means a circumstance or condition in which capture and impoundment of an estray presents an immediate threat to law enforcement personnel or to the health of the estray.

SECTION 2. Section 142.003, Agriculture Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) After receiving a report under Subsection (a) [~~of this section~~] that an estray has been discovered on public property, the sheriff or the sheriff's designee shall notify the owner, if known, that the estray's location has been reported, except that if the sheriff or the sheriff's [~~his~~] designee determines that the estray is dangerous to the public, the sheriff or the sheriff's designee [~~he~~] may immediately impound the estray without notifying the owner [~~. If the owner does not immediately remove the estray, the sheriff or the sheriff's designee shall proceed with the~~

1 ~~impoundment process prescribed by Section 142.009 of this code].~~

2 (d) If the owner does not immediately remove the estray:

3 (1) the sheriff or the sheriff's designee may proceed  
4 with the impoundment process prescribed by Section 142.009; or

5 (2) if a perilous condition exists, the sheriff or the  
6 sheriff's designee may proceed with disposition of the estray under  
7 Section 142.015.

8 SECTION 3. Chapter 142, Agriculture Code, is amended by  
9 adding Section 142.015 to read as follows:

10 Sec. 142.015. DISPOSITION OF ESTRAY UNDER PERILOUS  
11 CONDITION. (a) A sheriff or a sheriff's designee is not required to  
12 impound an estray if a perilous condition exists.

13 (b) If a perilous condition exists, the sheriff or the  
14 sheriff's designee may immediately dispose of the estray by any  
15 means without notifying the owner of the estray.

16 (c) The sheriff shall make a written report of the  
17 disposition and file the report with the county clerk for placement  
18 in the county estray records.

19 SECTION 4. This Act takes effect immediately if it receives  
20 a vote of two-thirds of all the members elected to each house, as  
21 provided by Section 39, Article III, Texas Constitution. If this  
22 Act does not receive the vote necessary for immediate effect, this  
23 Act takes effect September 1, 2013.