

BILL ANALYSIS

C.S.H.B. 234
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerned parties note that procedures regarding the seizure and disposition of cruelly treated animals require an animal's owner to pay court costs if the court finds that the owner cruelly treated the animal, but the parties express concern that a court is not able to award a county's or municipality's attorney's fees in such a case. These parties contend that allowing the court to award these fees would provide a more cost-effective method for counties and municipalities to seize cruelly treated animals and would enable counties and municipalities to provide enforcement of more cases. To address these issues, C.S.H.B. 234 seeks to grant certain courts the discretion to award those fees.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 234 amends the Health and Safety Code to authorize a court of competent jurisdiction on finding that an animal's owner has cruelly treated the animal to order the owner to pay the county's or municipality's reasonable attorney's fees. The bill authorizes a county court or county court at law that finds on appeal that an animal's owner has cruelly treated the animal to order the owner to pay the county's or municipality's reasonable attorney's fees and court costs, including the costs of investigation and expert witnesses.

C.S.H.B. 234 amends the Government Code to make conforming changes.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 234 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 821.023(e), Health and Safety Code, is amended.

SECTION 2. Section 821.025, Health and Safety Code, is amended.

No equivalent provision.

SECTION 3. The change in law made by this Act applies only to a proceeding commenced under Section 821.023 or 821.025, Health and Safety Code, on or after the effective date of this Act. A proceeding commenced before the effective

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

SECTION 2. Same as introduced version.

SECTION 3. Section 103.0214, Government Code, is amended to read as follows:

Sec. 103.0214. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: HEALTH AND SAFETY CODE. An accused or defendant, or a party to a civil suit, as applicable, shall pay the following fees and costs under the Health and Safety Code if ordered by the court or otherwise required:

(1) a fee to defray the cost of notifying state agencies of orders of expungement (Sec. 161.255, Health and Safety Code) . . . \$30 per application; and

(2) on a finding that an animal's owner has cruelly treated the animal, court costs including:

(A) investigation (~~Secs. [See.] 821.023 and 821.025~~, Health and Safety Code) . . . actual costs;

(B) expert witnesses (~~Secs. [See.] 821.023 and 821.025~~, Health and Safety Code) . . . actual costs;

(C) housing and caring for the animal during its impoundment (Sec. 821.023, Health and Safety Code) . . . actual costs;

(D) conducting any public sale ordered by the court (Sec. 821.023, Health and Safety Code) . . . actual costs; ~~and~~

(E) humanely destroying the animal if destruction is ordered by the court (Sec. 821.023, Health and Safety Code) . . . actual costs; and

(F) reasonable attorney's fees (Secs. 821.023 and 821.025, Health and Safety Code) . . . actual costs.

SECTION 4. The change in law made by this Act applies only to a proceeding commenced under Section 821.023 or 821.025, Health and Safety Code, on or after the effective date of this Act. A proceeding commenced before the effective

date of this Act is covered by the law in effect at the time the proceeding is commenced, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2015.

date of this Act is governed by the law as it existed at the time the proceeding was commenced, and the former law is continued in effect for that purpose.

SECTION 5. Same as introduced version.