

## **BILL ANALYSIS**

H.B. 1436  
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Judiciary & Civil Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties note that a person can challenge an animal control authority determination that a dog is dangerous in several court jurisdictions but that state law does not set out sufficient legal procedures to file the challenge, including whether the challenge can be a trial by jury. The parties acknowledge that an appeal of a court ruling in such a case is provided but report that a recent court case found current law relating to such an appeal does not align with more recent jurisdictional changes in courts and, as a result, it appears that no court has clear jurisdiction for such an appeal. H.B. 1436 seeks to clarify the court proceedings involving a dangerous dog determination.

### **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**

H.B. 1436 amends the Health and Safety Code to require notice of a determination that a dog is dangerous that an animal control authority is required to give to the owner of the dog to be in writing. The bill specifies that the authority of an owner of a dog that an animal control authority determines is a dangerous dog to appeal the determination to a justice, county, or municipal court of competent jurisdiction is notwithstanding any other law, including a municipal ordinance. The bill entitles such an owner to a jury trial on request. The bill requires the owner, in order to file such an appeal, to file a notice of appeal of the animal control authority's dangerous dog determination with the court, attach a copy of the determination from the animal control authority, and serve a copy of the notice of appeal on the animal control authority by mailing the notice through the U.S. Postal Service.

H.B. 1436 requires a court, in a hearing conducted to determine whether a dog is a dangerous dog in certain counties and municipalities or whether the owner of a dangerous dog has complied with applicable requirements, to determine the estimated costs to house and care for the impounded dog during the appeal process and to set the amount of bond for an appeal adequate to cover those estimated costs.

H.B. 1436 authorizes a party to an appeal of a justice or municipal court decision regarding an animal control authority's dangerous dog determination or a party to a dangerous dog hearing to appeal the respective decision to a county court or county court at law in the county in which the

justice or municipal court is located and removes provisions specifying that the manner provided for the appeal of the decision is the manner provided for other cases from the justice or municipal court. The bill requires the appellant, as a condition of perfecting an appeal, to file a notice of appeal and, if applicable, an appeal bond in the amount determined by the court from which the appeal is taken not later than the 10th calendar day after the date the decision is issued. The bill grants a county court or a county court at law jurisdiction to hear such an appeal. The bill removes specifications that the decision of a county court in an appeal of an animal control authority's dangerous dog determination or in a dangerous dog hearing may be appealed in the same manner as appeal for other cases from the county court.

**EFFECTIVE DATE**

September 1, 2015.