

By: Smithee

H.B. No. 1436

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 to read as follows:

Sec. 822.0421. DETERMINATION THAT DOG IS DANGEROUS. (a) If a person reports an incident described by Section 822.041(2), the animal control authority may investigate the incident. If, after receiving the sworn statements of any witnesses, the animal control authority determines the dog is a dangerous dog, the animal control authority ~~[it]~~ shall notify the owner in writing of the determination ~~[that fact]~~.

(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) To file an appeal under Subsection (b), the owner must:

(1) file a notice of appeal of the animal control authority's dangerous dog determination with the court;

(2) attach a copy of the determination from the animal control authority; and

(3) serve a copy of the notice of appeal on the animal

1 control authority by mailing the notice through the United States
2 Postal Service.

3 (d) An owner may appeal the decision of the justice[
4 county,] or municipal court under Subsection (b) in the [same]
5 manner described by Section 822.0424 [as appeal for other cases
6 from the justice, county, or municipal court].

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

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

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

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

20 Sec. 822.0424. APPEAL. (a) A party to an appeal under
21 Section [822.0421](#)(d) or a hearing under Section [822.0423](#) may appeal
22 the decision to a county court or county court at law in the county
23 in which the justice or municipal court is located.

24 (b) As a condition of perfecting an appeal, not later than
25 the 10th calendar day after the date the decision is issued, the
26 appellant must file a notice of appeal and, if applicable, an appeal
27 bond in the amount determined by the court from which the appeal is

1 taken.

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

5 SECTION 4. The change in law made by this Act applies only
6 to a determination, decision, or hearing under Section 822.0421 or
7 822.0423, Health and Safety Code, as amended by this Act, or Section
8 822.0424, Health and Safety Code, as added by this Act, that occurs
9 on or after the effective date of this Act. A determination,
10 decision, or hearing that occurs before the effective date of this
11 Act is governed by the law in effect on the date the determination,
12 decision, or hearing occurred, and the former law is continued in
13 effect for that purpose.

14 SECTION 5. This Act takes effect September 1, 2015.