

1-1 By: Smithee (Senate Sponsor - Lucio) H.B. No. 1436
1-2 (In the Senate - Received from the House May 11, 2015;
1-3 May 11, 2015, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 18, 2015, reported favorably by
1-5 the following vote: Yeas 6, Nays 0; May 18, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to appeals regarding dangerous dogs.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Section 822.042(e), Health and Safety Code, is
1-20 amended to read as follows:

1-21 (e) The court shall order the animal control authority to
1-22 humanely destroy the dog if the owner has not complied with
1-23 Subsection (a) before the 11th day after the date on which the dog
1-24 is seized or delivered to the authority, except that,
1-25 notwithstanding any other law or local regulation, the court may
1-26 not order the destruction of a dog during the pendency of an appeal
1-27 under Section 822.0424. The court shall order the authority to
1-28 return the dog to the owner if the owner complies with Subsection
1-29 (a) before the 11th day after the date on which the dog is seized or
1-30 delivered to the authority.

1-31 SECTION 2. Section 822.0421, Health and Safety Code, is
1-32 amended to read as follows:

1-33 Sec. 822.0421. DETERMINATION THAT DOG IS DANGEROUS. (a) If
1-34 a person reports an incident described by Section 822.041(2), the
1-35 animal control authority may investigate the incident. If, after
1-36 receiving the sworn statements of any witnesses, the animal control
1-37 authority determines the dog is a dangerous dog, the animal control
1-38 authority [it] shall notify the owner in writing of the
1-39 determination [that fact].

1-40 (b) Notwithstanding any other law, including a municipal
1-41 ordinance, an [An] owner, not later than the 15th day after the date
1-42 the owner is notified that a dog owned by the owner is a dangerous
1-43 dog, may appeal the determination of the animal control authority
1-44 to a justice, county, or municipal court of competent jurisdiction.

1-45 (c) To file an appeal under Subsection (b), the owner must:

1-46 (1) file a notice of appeal of the animal control
1-47 authority's dangerous dog determination with the court;

1-48 (2) attach a copy of the determination from the animal
1-49 control authority; and

1-50 (3) serve a copy of the notice of appeal on the animal
1-51 control authority by mailing the notice through the United States
1-52 Postal Service.

1-53 (d) An owner may appeal the decision of the justice[~~ty~~
1-54 county], or municipal court under Subsection (b) in the [same]
1-55 manner described by Section 822.0424 [as appeal for other cases
1-56 from the justice, county, or municipal court].

1-57 SECTION 3. Section 822.0423, Health and Safety Code, is
1-58 amended by adding Subsection (c-1) and amending Subsection (d) to
1-59 read as follows:

1-60 (c-1) The court shall determine the estimated costs to house
1-61 and care for the impounded dog during the appeal process and shall

2-1 set the amount of bond for an appeal adequate to cover those
2-2 estimated costs.

2-3 (d) An owner or person filing the action may appeal the
2-4 decision of the municipal or [court,] justice court[, or county
2-5 court] in the manner described by Section 822.0424 [provided for
2-6 the appeal of cases from the municipal, justice, or county court].

2-7 SECTION 4. Subchapter D, Chapter 822, Health and Safety
2-8 Code, is amended by adding Section 822.0424 to read as follows:

2-9 Sec. 822.0424. APPEAL. (a) A party to an appeal under
2-10 Section 822.0421(d) or a hearing under Section 822.0423 may appeal
2-11 the decision to a county court or county court at law in the county
2-12 in which the justice or municipal court is located and is entitled
2-13 to a jury trial on request.

2-14 (b) As a condition of perfecting an appeal, not later than
2-15 the 10th calendar day after the date the decision is issued, the
2-16 appellant must file a notice of appeal and, if applicable, an appeal
2-17 bond in the amount determined by the court from which the appeal is
2-18 taken.

2-19 (c) Notwithstanding Section 30.00014, Government Code, or
2-20 any other law, a person filing an appeal from a municipal court
2-21 under Subsection (a) is not required to file a motion for a new
2-22 trial to perfect an appeal.

2-23 (d) A decision of a county court or county court at law under
2-24 this section may be appealed in the same manner as an appeal for any
2-25 other case in a county court or county court at law.

2-26 (e) Notwithstanding any other law, a county court or a
2-27 county court at law has jurisdiction to hear an appeal filed under
2-28 this section.

2-29 SECTION 5. The change in law made by this Act applies only
2-30 to a determination, decision, or hearing under Section 822.0421 or
2-31 822.0423, Health and Safety Code, as amended by this Act, or Section
2-32 822.0424, Health and Safety Code, as added by this Act, that occurs
2-33 on or after the effective date of this Act. A determination,
2-34 decision, or hearing that occurs before the effective date of this
2-35 Act is governed by the law in effect on the date the determination,
2-36 decision, or hearing occurred, and the former law is continued in
2-37 effect for that purpose.

2-38 SECTION 6. This Act takes effect September 1, 2015.

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