

By: Garcia

S.B. No. 708

A BILL TO BE ENTITLED

AN ACT

relating to regulation of public nuisance, aggressive, and dangerous dogs; authorizing fees and creating offenses.

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

SECTION 1. The heading to Subchapter D, Chapter 822, Health and Safety Code, is amended to read as follows:

SUBCHAPTER D. PUBLIC NUISANCE, AGGRESSIVE, AND DANGEROUS DOGS

SECTION 2. Section [822.041](#), Health and Safety Code, is amended by amending Subdivision (1) and adding Subdivisions (1-a) and (6) to read as follows:

(1) "Aggressive dog" means a dog that:

(A) makes an unprovoked attack on a person that causes serious bodily injury and occurs on property where the dog is being kept if the person is on the property with the owner's consent or invitation;

(B) commits, on property where the dog is being kept, unprovoked acts that cause a person to reasonably believe that the dog will attack and cause serious bodily injury to that person or a domestic animal if the property is without sufficient enclosures to protect the public or domestic animals;

(C) interferes with a person's freedom of movement in a public right-of-way, regardless of whether the dog is on the owner's property;

(D) a law enforcement officer or animal control

authority reasonably believes has a dangerous disposition and is likely to be harmful to a person or domestic animal; or

(E) is part of a group of two or more dogs and was present when a dog from the group committed an act leading to that dog's classification as an aggressive or dangerous dog.

(1-a) "Animal control authority" means a municipal or county animal control office with authority over the area where the dog is kept or a county sheriff in an area with no animal control office.

(6) "Public nuisance dog" means a dog, as documented by an animal control authority, that:

(A) has substantially interfered with the right to enjoyment of life or property by a person other than the owner, including frequent, long, and continued barking or howling, repeated defecation on property other than that of the owner, or damaging property other than that of the owner;

(B) has at least once attacked a domestic animal;

(C) has run at large; or

(D) is part of a group of two or more dogs in which at least one dog is documented to have run at large.

SECTION 3. Subchapter D, Chapter 822, Health and Safety Code, is amended by adding Sections 822.0415 and 822.0416 to read as follows:

Sec. 822.0415. REQUIREMENTS FOR OWNER OF PUBLIC NUISANCE DOG; SEIZURE. (a) Not later than the 30th day after the date a person learns that the person is the owner of a public nuisance dog, the person shall:

1 (1) abate the nuisance that serves as the basis for the
2 determination that the dog is a public nuisance dog; and

3 (2) comply with an applicable municipal or county
4 regulation, requirement, or restriction on a public nuisance dog.

5 (b) For purposes of this section, a person learns that the
6 person is the owner of a public nuisance dog when:

7 (1) the owner knows of a nuisance described by Section
8 [822.041](#)(6)(A), (B), (C), or (D);

9 (2) the owner receives notice that a justice court,
10 county court, or municipal court has found that the dog is a public
11 nuisance dog under Section [822.0423](#); or

12 (3) the owner is informed by the animal control
13 authority that the dog is a public nuisance dog under Section
14 [822.0421](#).

15 (c) An animal control authority may not seize a public
16 nuisance dog unless the dog is running at large.

17 Sec. 822.0416. REQUIREMENTS FOR OWNER OF AGGRESSIVE DOG.

18 (a) Not later than the 30th day after the date a person learns that
19 the person is the owner of an aggressive dog, the person shall:

20 (1) register the aggressive dog with the animal
21 control authority for the area in which the dog is kept;

22 (2) restrain the aggressive dog at all times on a leash
23 in the immediate control of a person or in a secure enclosure; and

24 (3) comply with an applicable municipal or county
25 regulation, requirement, or restriction on an aggressive dog.

26 (b) For purposes of this section, a person learns that the
27 person is the owner of an aggressive dog when:

1 (1) the owner knows of an act described by Section
2 822.041(1)(A), (B), (C), (D), or (E);

3 (2) the owner receives notice that a justice court,
4 county court, or municipal court has found that the dog is an
5 aggressive dog under Section 822.0423; or

6 (3) the owner is informed by the animal control
7 authority that the dog is an aggressive dog under Section 822.0421.

8 SECTION 4. Section 822.0421, Health and Safety Code, is
9 amended to read as follows:

10 Sec. 822.0421. DETERMINATION THAT DOG IS PUBLIC NUISANCE,
11 AGGRESSIVE, OR DANGEROUS. (a) If a person reports an incident
12 described by Section 822.041(1), (2), or (6) [~~822.041(2)~~], the
13 animal control authority may investigate the incident. If, after
14 receiving the sworn statements of any witnesses, the animal control
15 authority determines the dog is a public nuisance, aggressive, or
16 dangerous dog, it shall notify the owner of that fact.

17 (b) An owner, not later than the 15th day after the date the
18 owner is notified that a dog owned by the owner is a public
19 nuisance, aggressive, or dangerous dog, may appeal the
20 determination of the animal control authority to a justice, county,
21 or municipal court of competent jurisdiction. An owner may appeal
22 the decision of the justice, county, or municipal court in the same
23 manner as appeal for other cases from the justice, county, or
24 municipal court.

25 SECTION 5. Section 822.0423(a), Health and Safety Code, is
26 amended to read as follows:

27 (a) The court, on receiving a report of an incident under

1 Section 822.0422 or an incident described by Section 822.041(1) or
2 (6) or on application under Section 822.042(c), shall set a time for
3 a hearing to determine whether the dog is a public nuisance,
4 aggressive, or dangerous dog or whether the owner of the dog has
5 complied with Section 822.0415, 822.0416, or 822.042, as
6 applicable. The hearing must be held not later than the 10th day
7 after the date on which the dog is seized or delivered, if
8 applicable.

9 SECTION 6. Section 822.043, Health and Safety Code, is
10 amended to read as follows:

11 Sec. 822.043. REGISTRATION. (a) An animal control
12 authority for the area in which the dog is kept shall annually
13 register an aggressive or ~~a~~ dangerous dog if the owner:

14 (1) presents proof of:

15 (A) liability insurance or financial
16 responsibility, if ~~as~~ required by Section 822.042;

17 (B) current rabies vaccination of the
18 ~~dangerous~~ dog; and

19 (C) the secure enclosure in which the ~~dangerous~~
20 dog will be kept; and

21 (2) pays an annual registration fee in the amount
22 determined by the governing body of the municipality or county in
23 which the animal control authority is located ~~[of \$50]~~.

24 (b) The animal control authority shall provide to the owner
25 registering an aggressive or ~~a~~ dangerous dog a registration tag.
26 The owner must place the tag on the dog's collar.

27 (c) If an owner of a registered aggressive or dangerous dog

1 sells or moves the dog to a new address, the owner, not later than
 2 the 14th day after the date of the sale or move, shall notify the
 3 animal control authority for the area in which the new address is
 4 located. On presentation by the current owner of the aggressive or
 5 dangerous dog's prior registration tag and payment of a fee in the
 6 amount determined by the governing body of the municipality or
 7 county in which the animal control authority is located ~~[of \$25]~~,
 8 the animal control authority shall issue a new registration tag to
 9 be placed on the aggressive or dangerous dog's collar.

10 (d) An owner of a registered aggressive or dangerous dog
 11 shall notify the office in which the aggressive or dangerous dog was
 12 registered of any attacks the aggressive or dangerous dog makes on
 13 people.

14 (e) Except as provided by this subsection, an animal control
 15 authority may, on court order following a hearing under Section
 16 822.0423 or consent of the owner, implant a microchip into a public
 17 nuisance dog described by Section 822.041(6)(C) or an aggressive or
 18 dangerous dog instead of or in addition to providing a tag under
 19 Subsection (b) or (c).

20 SECTION 7. Section 822.045(a), Health and Safety Code, is
 21 amended to read as follows:

22 (a) A person who owns or keeps custody or control of a public
 23 nuisance, aggressive, or dangerous dog commits an offense if the
 24 person fails to comply with Section 822.0415, 822.0416, or 822.042,
 25 as applicable, ~~[or]~~ Section 822.0422(b), or an applicable municipal
 26 or county regulation relating to public nuisance, aggressive, or
 27 dangerous dogs.

SECTION 8. Section 822.047, Health and Safety Code, is amended to read as follows:

Sec. 822.047. LOCAL REGULATION OF PUBLIC NUISANCE, AGGRESSIVE, AND DANGEROUS DOGS. (a) A county or municipality may place additional requirements or restrictions on aggressive or dangerous dogs if the requirements or restrictions:

(1) are not specific to one breed or several breeds of dogs; and

(2) are more stringent than restrictions provided by this subchapter.

(b) The commissioners court of a county by order of the governing body of a municipality by ordinance may exempt the county or municipality, as applicable, from the requirements and restrictions on public nuisance dogs under this chapter if the commissioners court or governing body determines that local regulation adequately provides for the abatement of stray dogs, barking dogs, dogs that are aggressive toward other animals, destructive dogs, and nuisance dogs.

SECTION 9. This Act takes effect September 1, 2015.