

BILL ANALYSIS

C.S.H.B. 2992
By: Neave
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised regarding an increase in recent years of reports of individuals without disabilities misrepresenting a dog as an assistance animal to obtain the benefits provided to individuals with disabilities who use such animals and regarding the negative impact this practice has on individuals with disabilities who legitimately need an assistance animal. C.S.H.B. 2992 seeks to address this issue by revising the conduct that constitutes the offense relating to the misrepresentation of an animal as an assistance animal or service animal.

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. 2992 amends the Human Resources Code to change the conduct that constitutes the misdemeanor offense of improper use of assistance animals by doing the following:

- including in the conduct claiming that an animal is an assistance animal or service animal when the animal is not such an animal;
- removing from the conduct using a service animal with a harness or leash of the type commonly used by persons with disabilities who use trained animals in order to represent that the animal is a specially trained service animal when training has not in fact been provided; and
- including in the conduct fitting an animal with a harness, collar, vest, sign, tag, leash, or other form of identification of the type commonly used by persons with disabilities who use assistance animals or service animals, or by persons who train such animals, so that the person may gain access, permission, or benefits provided to persons with disabilities who use such animals by representing that the animal is a specially trained assistance animal or service animal when training has not in fact been and is not being provided.

The bill redefines "assistance animal" and "service animal" as a canine that is specially trained or equipped to do work or perform tasks to help a person with a disability and that is used by a person with a disability.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2992 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 121.002(1), Human Resources Code, is amended.

SECTION 2. Section 121.006, Human Resources Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A person commits an offense if the person

fits an [who uses a service] animal with a harness, collar, vest, sign, tag, or leash of the type commonly used by persons with disabilities who use trained animals

so that the person can gain access, permission, or benefits provided to persons with disabilities who use assistance animals by representing[~~, in order to represent~~] that the [his or her] animal is a specially trained service animal or assistance animal when training has not in fact been provided or is not being provided.

(a-1) An offense under Subsection (a)[~~;~~] is [guilty of] a misdemeanor punishable [and on conviction shall be punished] by:

- (1) a fine of not more than \$300; and
- (2) 30 hours of community service to be performed for a governmental entity or nonprofit organization that primarily serves persons with visual impairments or other disabilities, or for another entity or organization at the discretion of the court, to be completed in not more than one year.

SECTION 3. The changes in law made by this Act to Section 121.006, Human Resources Code, apply only to an offense

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Substantially the same as introduced version.

SECTION 2. Section 121.006, Human Resources Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A person commits an offense if the person:

(1) claims an animal is an assistance animal or service animal when the animal is not an assistance animal or service animal; or

(2) fits an [who uses a service] animal with a harness, collar, vest, sign, tag, [or] leash, or other form of identification of the type commonly used by persons with disabilities who use assistance animals or service animals, or by persons who train assistance animals or service animals,

so that the person may gain access, permission, or benefits provided to persons with disabilities who use assistance animals or service animals by representing [trained animals, in order to represent] that the [his or her] animal is a specially trained assistance animal or service animal when training has not in fact been and is not being provided.

(a-1) An offense under Subsection (a)[~~;~~] is [guilty of] a misdemeanor punishable [and on conviction shall be punished] by:

- (1) a fine of not more than \$300; and
- (2) 30 hours of community service to be performed for a governmental entity or nonprofit organization that primarily serves persons with visual impairments or other disabilities, or for another entity or organization at the discretion of the court, to be completed in not more than one year.

SECTION 3. Same as introduced version.

committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. This Act takes effect September 1, 2017.

SECTION 4. Same as introduced version.