

BILL ANALYSIS

Senate Research Center
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S.B. 772
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 772 gives code enforcement officers the authority to possess or carry an instrument used for deterring the bite of an animal, or bite stick, when performing their official duties. Bite sticks are a humane tool that will minimize the chance of the animal being harmed when properly used. They are used to deter bites rather than club or shock the animal.

Current statute classifies a bite stick as a club, and therefore those authorized to possess the instrument are limited to the list of exceptions in Section 46.15, Penal Code, that includes law enforcement, retired law enforcement, investigators, district attorneys, bailiffs, animal control officers, etc.

Code enforcement officers are frequently placed in danger of animal attacks while executing the responsibilities of their job—when inspecting junk yards, for example. S.B. 772 reduces the frequency of situations in which a dog would be put down as the result of an attack on a code enforcement officer. Additionally, S.B. 772 also requires that all code enforcement officers be properly trained in the use of the instrument before carrying one, and periodically receive continuing education.

As proposed, S.B. 772 amends current law relating to the authority of a code enforcement officer when performing official duties to possess or carry an instrument used for deterring the bite of an animal.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to Texas Commission of Licensing and Regulation is modified in SECTION 3 (Section 1952.1051, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 46.15, Penal Code, by adding Subsection (h), to provide that the provisions of Sections 46.02 (Unlawful Carrying Weapons) and 46.03 (Places Weapons Prohibited) prohibiting the possession or carrying of a club do not apply to certain code enforcement officers.

SECTION 2. Amends Section 1952.051, Occupations Code, as effective September 1, 2017, by adding Subsection (c), to require that the education requirements adopted under Subsection (b) (relating to standards and education requirements for the registration of code enforcement officers) include education regarding the principles and procedures to be followed when possessing or carrying an instrument used specifically for deterring the bite of an animal.

SECTION 3. Amends Section 1952.1051, Occupations Code, effective September 1, 2017, to require the Texas Commission of Licensing and Regulation by rule to prescribe continuing education requirements for code enforcement officers and officers in training that establish an approved curriculum that includes material regarding changes in applicable law and the principles and procedures to be followed when possessing or carrying an instrument used specifically for deterring the bite of an animal, rather than only that establish an approved curriculum that includes material regarding changes in applicable law.

SECTION 4. Effective date: September 1, 2017.