

By: Neave

H.B. No. 2992

Substitute the following for H.B. No. 2992:

By: Frank

C.S.H.B. No. 2992

A BILL TO BE ENTITLED

1 AN ACT
2 relating to assistance animals used by persons with disabilities
3 and to the prosecution of the offense of misrepresenting an animal
4 as an assistance animal or service animal.

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

6 SECTION 1. Section 121.002(1), Human Resources Code, is
7 amended to read as follows:

8 (1) "Assistance animal" and "service animal" mean a
9 canine that is specially trained or equipped to do work or perform
10 tasks to help a person with a disability and that is used by a person
11 with a disability.

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

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

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

19 (2) fits an [who uses a service] animal with a harness,
20 collar, vest, sign, tag, [or] leash, or other form of
21 identification of the type commonly used by persons with
22 disabilities who use assistance animals or service animals, or by
23 persons who train assistance animals or service animals, so that
24 the person may gain access, permission, or benefits provided to

1 persons with disabilities who use assistance animals or service
2 animals by representing [~~trained animals, in order to represent~~]
3 that the [~~his or her~~] animal is a specially trained assistance
4 animal or service animal when training has not in fact been and is
5 not being provided.

6 (a-1) An offense under Subsection (a) [~~7~~] is [~~guilty of~~] a
7 misdemeanor punishable [~~and on conviction shall be punished~~] by:

8 (1) a fine of not more than \$300; and

9 (2) 30 hours of community service to be performed for a
10 governmental entity or nonprofit organization that primarily
11 serves persons with visual impairments or other disabilities, or
12 for another entity or organization at the discretion of the court,
13 to be completed in not more than one year.

14 SECTION 3. The changes in law made by this Act to Section
15 [121.006](#), Human Resources Code, apply only to an offense committed
16 on or after the effective date of this Act. An offense committed
17 before the effective date of this Act is governed by the law in
18 effect when the offense was committed, and the former law is
19 continued in effect for that purpose. For purposes of this section,
20 an offense was committed before the effective date of this Act if
21 any element of the offense occurred before that date.

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