

BILL ANALYSIS

C.S.H.B. 3063
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Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that a state agency or political subdivision should be able to transfer a law enforcement animal, which may otherwise be classified as salvage or surplus property to be auctioned off for a fee upon retirement, to the animal's handler or to another qualified caretaker for no fee upon the animal's retirement or at another time in the animal's best interest. C.S.H.B. 3063 seeks to provide that authority.

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. 3063 amends the Local Government Code to authorize the governing body of a state agency or political subdivision to enter into a contract with a person for the transfer of a law enforcement dog, horse, or other animal that has been determined by the applicable head of a law enforcement agency or that person's designee to be suitable for transfer, after consulting with the animal's veterinarian, handlers, and other caretakers, and surplus to the needs of the state agency or political subdivision for a specified reason. The bill authorizes the head of a state law enforcement agency to execute such a contract on the state agency's behalf. The bill limits the transfer of an animal to a person who is capable of humanely caring for the animal and establishes the order of priority of persons, as selected by the applicable head of a law enforcement agency or the applicable designee, to whom such an animal may be transferred. If more than one person in the same order of priority requests to receive the animal, the bill requires the applicable agency head or designee to determine which of the potential transferees would best serve the best interest of the animal and the applicable state agency or political subdivision.

C.S.H.B. 3063 sets out the required contents of the transfer contract, authorizes the contract to provide for the transfer without charge to the transferee, and provides certain liability protections for the transferring state agency or political subdivision. The bill's provisions expressly do not require an animal to be transferred, do not affect a state agency's or political subdivision's authority to care for retired law enforcement animals, and do not waive sovereign or governmental immunity to suit and from liability of the transferring agency or subdivision. The bill exempts the transfer of a law enforcement animal under its provisions from statutory provisions governing the disposition of state or county surplus and salvage property and other similar laws regarding the disposition of surplus or salvage property.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3063 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute extends the authorization for counties and municipalities to enter into a contract to transfer a law enforcement animal to a state agency and any political subdivision and expands the applicability of related provisions to reflect that extension.

The substitute includes a provision authorizing the head of a state law enforcement agency to execute a transfer contract on the state agency's behalf. The substitute includes the designee of the applicable head of a law enforcement agency among those who may make the determinations regarding the person to whom the animal is transferred and includes definitions for "head of a law enforcement agency" and "law enforcement agency."

The substitute includes a provision exempting the transfer of a law enforcement animal under the bill's provisions from certain statutory provisions and other similar laws relating to the disposition of surplus or salvage property.