

By: Farrar

H.B. No. 250

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to attorney's fees associated with certain court  
3 proceedings for cruelly treated animals; authorizing fees and  
4 costs.

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

6 SECTION 1. Section 821.023(e), Health and Safety Code, is  
7 amended to read as follows:

8 (e) After a court finds that an animal's owner has cruelly  
9 treated the animal, the court:

10 (1) shall order the owner to pay all court costs,  
11 including:

12 (A) ~~[(1)]~~ the administrative costs of:  
13 (i) ~~[(A)]~~ investigation;  
14 (ii) ~~[(B)]~~ expert witnesses; and  
15 (iii) ~~[(C)]~~ conducting any public sale  
16 ordered by the court; and

17 (B) ~~[(2)]~~ the costs incurred by a municipal or  
18 county animal shelter or a nonprofit animal welfare organization  
19 in:

20 (i) ~~[(A)]~~ housing and caring for the animal  
21 during its impoundment; and

22 (ii) ~~[(B)]~~ humanely destroying the animal  
23 if destruction is ordered by the court; and

24 (2) in a county or municipality with a population of at

1 least 700,000, may order the owner to pay the county's or  
2 municipality's reasonable attorney's fees.

3 SECTION 2. Section 821.025, Health and Safety Code, is  
4 amended by adding Subsection (i) to read as follows:

5 (i) In a county or municipality with a population of at  
6 least 700,000, a county court or county court at law that issues a  
7 decision in an appeal under this section finding that an animal's  
8 owner has cruelly treated the animal may order the owner to pay the  
9 county's or municipality's reasonable attorney's fees.

10 SECTION 3. Section 103.0214, Government Code, is amended to  
11 read as follows:

12 Sec. 103.0214. ADDITIONAL FEES AND COSTS IN CRIMINAL OR  
13 CIVIL CASES: HEALTH AND SAFETY CODE. An accused or defendant, or a  
14 party to a civil suit, as applicable, shall pay the following fees  
15 and costs under the Health and Safety Code if ordered by the court  
16 or otherwise required:

17 (1) a fee to defray the cost of notifying state  
18 agencies of orders of expungement (Sec. 161.255, Health and Safety  
19 Code) . . . \$30 per application; and

20 (2) on a finding that an animal's owner has cruelly  
21 treated the animal, court costs including:

22 (A) investigation (Sec. 821.023, Health and  
23 Safety Code) . . . actual costs;

24 (B) expert witnesses (Sec. 821.023, Health and  
25 Safety Code) . . . actual costs;

26 (C) housing and caring for the animal during its  
27 impoundment (Sec. 821.023, Health and Safety Code) . . . actual

1 costs;

2 (D) conducting any public sale ordered by the  
3 court (Sec. 821.023, Health and Safety Code) . . . actual costs;  
4 [~~and~~]

5 (E) humanely destroying the animal if  
6 destruction is ordered by the court (Sec. 821.023, Health and  
7 Safety Code) . . . actual costs; and

8 (F) reasonable attorney's fees (Secs. 821.023  
9 and 821.025, Health and Safety Code) . . . actual costs.

10 SECTION 4. The change in law made by this Act applies only  
11 to a proceeding commenced under Section 821.023 or 821.025, Health  
12 and Safety Code, on or after the effective date of this Act. A  
13 proceeding commenced before the effective date of this Act is  
14 governed by the law as it existed at the time the proceeding was  
15 commenced, and the former law is continued in effect for that  
16 purpose.

17 SECTION 5. This Act takes effect September 1, 2019.