

By: Smithee

H.B. No. 3063

Substitute the following for H.B. No. 3063:

By: Burns

C.S.H.B. No. 3063

A BILL TO BE ENTITLED

AN ACT

relating to the transfer of a retired law enforcement animal.

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

SECTION 1. Chapter 614, Government Code, is amended by adding Subchapter L to read as follows:

SUBCHAPTER L. RETIREMENT OF LAW ENFORCEMENT ANIMAL

Sec. 614.211. DEFINITIONS. In this subchapter:

(1) "Head of a law enforcement agency" means the highest-ranking peace officer in a law enforcement agency, including the director, sheriff, constable, or police chief, as applicable.

(2) "Law enforcement agency" means an office, department, or other division of this state or a political subdivision of this state, including a county, municipality, school district, or hospital district, that is authorized by law to employ peace officers.

Sec. 614.212. SUITABILITY AND ELIGIBILITY OF ANIMAL. (a) The governing body of a state agency or political subdivision may 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:

(1) suitable for transfer, after consulting with the animal's veterinarian, handlers, and other caretakers; and

1           (2) surplus to the needs of the state agency or  
2 political subdivision because the animal is:

3                   (A) at the end of the animal's working life; or

4                   (B) subject to circumstances that justify making  
5 the animal available for transfer before the end of the animal's  
6 working life, including:

7                           (i) the death of the animal's handler in the  
8 line of duty or as a result of injuries sustained in the line of  
9 duty; or

10                           (ii) the medical retirement of the animal's  
11 handler as a result of injuries sustained in the line of duty.

12           (b) The head of a state law enforcement agency may execute a  
13 contract under this subchapter on behalf of the state agency.

14           Sec. 614.213. TRANSFEREE. (a) A law enforcement animal  
15 determined to be suitable and eligible for transfer under Section  
16 614.212 may be transferred only to a person who is:

17                   (1) capable of humanely caring for the animal; and

18                   (2) selected by the applicable head of a law  
19 enforcement agency or that person's designee in the following order  
20 of priority, as applicable:

21                           (A) the animal's former handler who medically  
22 retired as a result of injuries sustained in the line of duty;

23                           (B) the parent, child, spouse, or sibling of the  
24 animal's former handler if the handler was killed in the line of  
25 duty or died from injuries sustained in the line of duty;

26                           (C) a former handler not described by Paragraph  
27 (A);

1                   (D) a peace officer, county jailer, or  
2 telecommunicator other than the animal's handler; or

3                   (E) another person.

4           (b) If more than one person in a category of authorized  
5 transferees under Subsection (a)(2) requests to receive the animal,  
6 the applicable head of a law enforcement agency or that person's  
7 designee shall determine which of the potential transferees would  
8 best serve the best interest of the animal and the applicable state  
9 agency or political subdivision.

10           Sec. 614.214. CONTRACT. A contract for a transfer under  
11 this subchapter:

12                   (1) may provide for the transfer without charge to the  
13 transferee;

14                   (2) must require the transferee to:

15                           (A) humanely care for the animal, including  
16 providing food, shelter, and regular and appropriate veterinary  
17 care, including medication, to properly provide for the animal's  
18 health;

19                           (B) comply with all state and local laws  
20 applicable to keeping domestic animals; and

21                           (C) notify the applicable state agency or  
22 political subdivision if the transferee is no longer able to  
23 humanely care for the animal; and

24                   (3) must require the applicable state agency or  
25 political subdivision to take possession of the animal on:

26                           (A) receipt of the notice under Subdivision  
27 (2)(C); or

1           (B) a finding by the governing body of the state  
2 agency or political subdivision that the transferee is no longer  
3 able to humanely care for the animal.

4           Sec. 614.215. LIABILITY. A state agency or political  
5 subdivision that transfers an animal under this subchapter:

6           (1) is not liable in a civil action for any damages  
7 arising from the transfer, including damages arising from the  
8 animal's law enforcement training; and

9           (2) is not liable for veterinary expenses of the  
10 transferred animal, including expenses associated with care for a  
11 condition of the animal that existed before or at the time of  
12 transfer, regardless of whether the applicable law enforcement  
13 agency, state agency, or political subdivision was aware of the  
14 condition.

15           Sec. 614.216. EFFECT OF SUBCHAPTER. This subchapter does  
16 not:

17           (1) require an animal to be transferred under this  
18 subchapter;

19           (2) affect a state agency's or political subdivision's  
20 authority to care for retired law enforcement animals; or

21           (3) waive sovereign or governmental immunity to suit  
22 and from liability of the state agency or political subdivision  
23 transferring an animal.

24           Sec. 614.217. EFFECT OF SURPLUS OR SALVAGE LAW. Subchapter  
25 D, Chapter 2175, of this code, Subchapter D, Chapter 263, Local  
26 Government Code, and other similar laws regarding the disposition  
27 of surplus or salvage property do not apply to the transfer of a law

1 enforcement animal under this subchapter.

2       SECTION 2. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2019.