

By: Birdwell, Nelson

S.B. No. 2100

A BILL TO BE ENTITLED

AN ACT

relating to the transfer of a retired county or municipal law enforcement animal.

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

SECTION 1. Section 263.152(a), Local Government Code, is amended to read as follows:

(a) The commissioners court of a county may:

(1) periodically sell the county's surplus or salvage property by competitive bid or auction, except that competitive bidding or an auction is not necessary if the purchaser is another county or a political subdivision within the county that is selling the surplus or salvage property;

(2) offer the property as a trade-in for new property of the same general type if the commissioners court considers that action to be in the best interests of the county;

(3) order any of the property to be destroyed or otherwise disposed of as worthless if the commissioners court undertakes to sell that property under Subdivision (1) and is unable to do so because no bids are made;

(4) dispose of the property by donating it to a civic or charitable organization located in the county if the commissioners court determines that:

(A) undertaking to sell the property under Subdivision (1) would likely result in no bids or a bid price that

1 is less than the county's expenses required for the bid process;

2 (B) the donation serves a public purpose; and

3 (C) the organization will provide the county with
4 adequate consideration, such as relieving the county of
5 transportation or disposal expenses related to the property;

6 (5) transfer gambling equipment in the possession of
7 the county following its forfeiture to the state to the Texas
8 Facilities [~~Building and Procurement~~] Commission for sale under
9 Section 2175.904, Government Code; [~~or~~]

10 (6) order any vehicle retired under a program designed
11 to encourage the use of low-emission vehicles to be crushed and
12 recycled, if practicable, without a competitive bid or auction; or

13 (7) by order or resolution, transfer a retired law
14 enforcement animal as provided by Section 272.007.

15 SECTION 2. Chapter 272, Local Government Code, is amended
16 by adding Section 272.007 to read as follows:

17 Sec. 272.007. TRANSFER OF RETIRED LAW ENFORCEMENT ANIMAL.

18 (a) The commissioners court of a county or the governing body of a
19 municipality may enter into a contract with a person for the
20 transfer of a law enforcement dog, horse, or other animal that has
21 been determined by the head of the applicable law enforcement
22 agency to be:

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

25 (2) surplus to the needs of the county or municipality
26 because the animal is:

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

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

4 (i) the death of the animal's handler in the
5 line of duty or as a result of injuries sustained in the line of
6 duty; or

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

9 (b) A law enforcement animal determined to be suitable and
10 eligible for transfer under Subsection (a) may be transferred only
11 to a person who is:

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

13 (2) selected by the head of the applicable law
14 enforcement agency in the following order of priority, as
15 applicable:

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

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

21 (C) a former handler not described by Paragraph
22 (A);

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

25 (E) another person.

26 (c) If more than one person in a category of authorized
27 transferees under Subsection (b)(2) requests to receive the animal,

the head of the applicable law enforcement agency shall determine which of the potential transferees would best serve the best interest of the animal and the applicable county or municipality.

(d) A contract for a transfer under this section:

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

(2) must require the transferee to:

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

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

(C) notify the applicable county or municipality if the transferee is no longer able to humanely care for the animal; and

(3) must require the applicable county or municipality to take possession of the animal on:

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

(B) a finding by the commissioners court or municipal governing body, as applicable, that the transferee is no longer able to humanely care for the animal.

(e) A county or municipality that transfers an animal under this section:

(1) is not liable in a civil action for any damages arising from the transfer, including damages arising from the

1 animal's law enforcement training; and

2 (2) is not liable for veterinary expenses of the
3 transferred animal, including expenses associated with care for a
4 condition of the animal that existed before or at the time of
5 transfer, regardless of whether the applicable law enforcement
6 agency, county, or municipality was aware of the condition.

7 (f) This section does not:

8 (1) require an animal to be transferred under this
9 section;

10 (2) affect a county's or municipality's authority to
11 care for retired law enforcement animals; or

12 (3) waive the governmental immunity to suit and from
13 liability of the county or municipality transferring an animal.

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