

BILL ANALYSIS

H.B. 4164
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Over the last few years, there has been an increase in reports of non-disabled people misrepresenting their dogs as service animals to obtain the benefits provided to individuals with disabilities. For example, some people attempt to pass off their pets as service dogs to circumvent breed restrictions and avoid paying a pet deposit at their apartment. Moreover, others attempt to bring their dogs into restaurants and other business establishments. As a result of these attempts to pass off pets as service animals, business owners and employees have become increasingly distrustful that an animal represented as a service dog is, in fact, a legitimate service animal. Consequently, people with disabilities who legitimately need a service animal have been aggressively questioned or kicked out of establishments by employees and business owners. H.B. 4164 revises provisions relating to the improper use of assistance animals in order to deter future offenders from exploiting the disabled by ensuring their actions are adequately addressed and punished.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes 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

H.B. 4164 amends the Human Resources Code to revise provisions relating to the offense of improper use of assistance animals as follows:

- by changing the conduct constituting the offense from using a service animal with a harness or leash of the type commonly used by persons with disabilities who use trained animals, in order to falsely represent that his or her animal is a specially trained service animal to intentionally or knowingly represents that an animal is an assistance animal or service animal when the animal is not specially trained or equipped to help a person with a disability;
- by accordingly renaming the offense as improper use of assistance and service animals; and
- by raising the cap on the amount of the fine for the offense from \$300 to \$1,000.

The bill subjects a person who habitually abuses or neglects to feed or otherwise neglects to properly care for the person's service animal to seizure of the animal under Health and Safety Code provisions relating to the disposition of cruelly treated animals.

H.B. 4164 applies only to an offense committed on or after the bill's effective date and provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date.

EFFECTIVE DATE

September 1, 2023.