

By: Campos, Bernal, Garcia, Leach

H.B. No. 4759

Substitute the following for H.B. No. 4759:

By: Klick

C.S.H.B. No. 4759

A BILL TO BE ENTITLED

AN ACT

relating to an attack by a dangerous dog; increasing criminal penalties.

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

SECTION 1. Section 822.001, Health and Safety Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Bodily injury" has the meaning assigned by Section 1.07, Penal Code.

SECTION 2. Sections 822.005(a) and (b), Health and Safety Code, are amended to read as follows:

(a) A person commits an offense if the person is the owner of a dog and the person:

(1) with criminal negligence, as defined by Section 6.03, Penal Code, fails to secure the dog and the dog makes an unprovoked attack on another person that occurs at a location other than the owner's real property or in or on the owner's motor vehicle or boat and that causes bodily injury, serious bodily injury[7] as defined by Section 1.07, Penal Code, or death to the other person; or

(2) knows the dog is a dangerous dog by learning in a manner described by Section 822.042(g) that the person is the owner of a dangerous dog, and the dangerous dog makes an unprovoked attack on another person that occurs at a location other than a secure enclosure in which the dog is restrained in accordance with

1 Subchapter D and that causes bodily injury or serious bodily
2 injury, as defined by Section 822.001, or death to the other person.

3 (b) An offense under this section is:

4 (1) a Class B misdemeanor if the attack causes bodily
5 injury;

6 (2) a felony of the third degree if the attack causes
7 serious bodily injury; or

8 (3) a felony of the second degree if [unless] the
9 attack causes death[, in which event the offense is a felony of the
10 second degree].

11 SECTION 3. Section 822.0421, Health and Safety Code, is
12 amended by adding Subsection (e) to read as follows:

13 (e) The identifying information of a witness who gives a
14 sworn statement under Subsection (a) is not subject to disclosure
15 under Chapter 552, Government Code. In this subsection,
16 "identifying information" has the meaning assigned by Section
17 32.51, Penal Code.

18 SECTION 4. Subchapter D, Chapter 822, Health and Safety
19 Code, is amended by adding Section 822.04215 to read as follows:

20 Sec. 822.04215. DETERMINATION THAT DOG IS DANGEROUS IN
21 CERTAIN MUNICIPALITIES. (a) This section applies only to a
22 municipality that contains more than 70 percent of the population
23 of a county with a population of 1.5 million or more.

24 (b) Notwithstanding Section 822.0421(a), if a person
25 reports an incident described by Section 822.041(2), the animal
26 control authority shall investigate the incident. If after
27 reviewing the sworn statements of any witness and reviewing any

1 other applicable reports or information, the animal control
2 authority determines the dog is a dangerous dog, the animal control
3 authority shall notify the owner in writing of the determination.

4 SECTION 5. Section 822.044, Health and Safety Code, is
5 amended by amending Subsection (b) and adding Subsection (b-1) to
6 read as follows:

7 (b) Except as provided by Subsection (b-1), an [An] offense
8 under this section is a Class C misdemeanor.

9 (b-1) An offense under this section is a Class A misdemeanor
10 if it is shown on trial of the offense that the defendant has been
11 previously convicted of an offense under this section.

12 SECTION 6. The changes in law made by this Act to Sections
13 822.005 and 822.044, Health and Safety Code, as amended by this Act,
14 apply only to an offense committed on or after the effective date of
15 this Act. An offense committed before the effective date of this
16 Act is governed by the law in effect on the date the offense was
17 committed, and the former law is continued in effect for that
18 purpose. For purposes of this section, an offense was committed
19 before the effective date of this Act if any element of the offense
20 occurred before that date.

21 SECTION 7. Section 822.0421(e), Health and Safety Code, as
22 added by this Act, applies to information contained in a sworn
23 statement released on or after the effective date of this Act,
24 regardless of whether the sworn statement was made before, on, or
25 after that date.

26 SECTION 8. Section 822.04215, Health and Safety Code, as
27 added by this Act, applies only to a determination based on an

1 incident that occurred on or after the effective date of this Act.
2 An incident that occurred before the effective date of this Act is
3 governed by the law in effect on the date the incident occurred, and
4 the former law is continued in effect for that purpose.

5 SECTION 9. This Act takes effect September 1, 2023.