

By: Campos

H.B. No. 4759

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Section 822.0421, Health and Safety Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), and (e) to read as follows:

(a) If a person reports an incident described by Section 822.041(2), the animal control authority shall ~~may~~ investigate the incident. The animal control authority shall determine whether the dog is a dangerous dog by observing and documenting the behavior of the dog or by examining [If , after receiving] the sworn statements of any witnesses. If the animal control authority determines the dog is a dangerous dog, the animal control authority shall notify the owner in writing of the determination.

(a-1) A dog is presumed to be a dangerous dog for the purposes of this section if an incident described by Section 822.041(2) results in:

(1) serious bodily injury, as defined by Section 822.001, or death of an individual;

(2) the transport of an individual to a hospital;

(3) the filing of a police report on the incident; or

(4) the arrest of the owner.

(a-2) If the animal control authority determines that a dog

1 is a dangerous dog under this section, the authority must
2 immediately notify an appropriate law enforcement agency and the
3 local county or district attorney with jurisdiction of the
4 incident.

5 (e) The identifying information of a witness who gives a
6 sworn statement under Subsection (a) is not subject to disclosure
7 under Chapter 552, Government Code. In this subsection,
8 "identifying information" has the meaning assigned by Section
9 32.51, Penal Code.

10 SECTION 2. Section 822.044, Health and Safety Code, is
11 amended by amending Subsection (b) and adding Subsection (b-1) to
12 read as follows:

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

15 (b-1) An offense under this section is a felony of the third
16 degree if it is shown on trial of the offense that the defendant has
17 been previously convicted of an offense under this section.

18 SECTION 3. (a) Except as otherwise provided by this
19 section, Section 822.0421, Health and Safety Code, as amended by
20 this Act, applies only to a determination based on an incident that
21 occurred on or after the effective date of this Act. An incident
22 that occurred before the effective date of this Act is governed by
23 the law in effect on the date the incident occurred, and the former
24 law is continued in effect for that purpose.

25 (b) Section 822.0421(e), Health and Safety Code, as added by
26 this Act, applies to information contained in a sworn statement
27 released on or after the effective date of this Act, regardless of

1 whether the sworn statement was made before, on, or after that date.

2 SECTION 4. Section [822.044](#), Health and Safety Code, as
3 amended by this Act, applies only to an offense committed on or
4 after the effective date of this Act. An offense committed before
5 the effective date of this Act is governed by the law in effect on
6 the date the offense was committed, and the former law is continued
7 in effect for that purpose. For purposes of this section, an
8 offense was committed before the effective date of this Act if any
9 element of the offense occurred before that date.

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