

1-1 By: Campos, et al. (Senate Sponsor - Menéndez) H.B. No. 4759
1-2 (In the Senate - Received from the House May 15, 2023;
1-3 May 16, 2023, read first time and referred to Committee on Criminal
1-4 Justice; May 21, 2023, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 May 21, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 4759 By: Flores

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to an attack by a dangerous dog; increasing criminal
1-20 penalties.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 822.001, Health and Safety Code, is
1-23 amended by adding Subdivision (1-a) to read as follows:

1-24 (1-a) "Bodily injury" has the meaning assigned by
1-25 Section 1.07, Penal Code.

1-26 SECTION 2. Sections 822.005(a) and (b), Health and Safety
1-27 Code, are amended to read as follows:

1-28 (a) A person commits an offense if the person is the owner of
1-29 a dog and the person:

1-30 (1) with criminal negligence, as defined by Section
1-31 6.03, Penal Code, fails to secure the dog and the dog makes an
1-32 unprovoked attack on another person that occurs at a location other
1-33 than the owner's real property or in or on the owner's motor vehicle
1-34 or boat and that causes bodily injury, serious bodily injury[7] as
1-35 defined by Section 1.07, Penal Code, or death to the other person;
1-36 or

1-37 (2) knows the dog is a dangerous dog by learning in a
1-38 manner described by Section 822.042(g) that the person is the owner
1-39 of a dangerous dog, and the dangerous dog makes an unprovoked attack
1-40 on another person that occurs at a location other than a secure
1-41 enclosure in which the dog is restrained in accordance with
1-42 Subchapter D and that causes bodily injury or serious bodily
1-43 injury, as defined by Section 822.001, or death to the other person.

1-44 (b) An offense under this section is:

1-45 (1) a Class B misdemeanor if the attack causes bodily
1-46 injury;

1-47 (2) a felony of the third degree if the attack causes
1-48 serious bodily injury; or

1-49 (3) a felony of the second degree if [unless] the
1-50 attack causes death[, in which event the offense is a felony of the
1-51 second degree].

1-52 SECTION 3. Section 822.0421, Health and Safety Code, is
1-53 amended by adding Subsection (e) to read as follows:

1-54 (e) In this subsection, "identifying information" has the
1-55 meaning assigned by Section 32.51, Penal Code. The identifying
1-56 information of a witness who gives a sworn statement under
1-57 Subsection (a):

1-58 (1) is confidential and not subject to disclosure
1-59 under Chapter 552, Government Code; and

1-60 (2) may be disclosed only for purposes of enforcing

2-1 this chapter to the governing body of the municipality or county in
2-2 which the incident occurred, as applicable, and any other
2-3 governmental or law enforcement agency.

2-4 SECTION 4. Subchapter D, Chapter 822, Health and Safety
2-5 Code, is amended by adding Section 822.04215 to read as follows:

2-6 Sec. 822.04215. DETERMINATION THAT DOG IS DANGEROUS IN
2-7 CERTAIN MUNICIPALITIES. (a) This section applies only to a
2-8 municipality that contains more than 70 percent of the population
2-9 of a county with a population of 1.5 million or more.

2-10 (b) Notwithstanding Section 822.0421(a), if a person
2-11 reports an incident described by Section 822.041(2), the animal
2-12 control authority shall investigate the incident. If after
2-13 reviewing the sworn statements of any witness or reviewing any
2-14 other applicable reports or information, the animal control
2-15 authority determines the dog is a dangerous dog, the animal control
2-16 authority shall notify the owner in writing of the determination.

2-17 SECTION 5. Section 822.044, Health and Safety Code, is
2-18 amended by amending Subsection (b) and adding Subsection (b-1) to
2-19 read as follows:

2-20 (b) Except as provided by Subsection (b-1), an [An] offense
2-21 under this section is a Class C misdemeanor.

2-22 (b-1) An offense under this section is a Class A misdemeanor
2-23 if it is shown on trial of the offense that the defendant has been
2-24 previously convicted of an offense under this section.

2-25 SECTION 6. The changes in law made by this Act to Sections
2-26 822.005 and 822.044, Health and Safety Code, as amended by this Act,
2-27 apply only to an offense committed on or after the effective date of
2-28 this Act. An offense committed before the effective date of this
2-29 Act is governed by the law in effect on the date the offense was
2-30 committed, and the former law is continued in effect for that
2-31 purpose. For purposes of this section, an offense was committed
2-32 before the effective date of this Act if any element of the offense
2-33 occurred before that date.

2-34 SECTION 7. Section 822.0421(e), Health and Safety Code, as
2-35 added by this Act, applies to information contained in a sworn
2-36 statement released on or after the effective date of this Act,
2-37 regardless of whether the sworn statement was made before, on, or
2-38 after that date.

2-39 SECTION 8. Section 822.04215, Health and Safety Code, as
2-40 added by this Act, applies only to a determination based on an
2-41 incident that occurred on or after the effective date of this Act.
2-42 An incident that occurred before the effective date of this Act is
2-43 governed by the law in effect on the date the incident occurred, and
2-44 the former law is continued in effect for that purpose.

2-45 SECTION 9. This Act takes effect September 1, 2023.

2-46 * * * * *