

## **BILL ANALYSIS**

C.S.H.B. 162  
By: Lucio III  
Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties note the importance of attendance in a pet responsibility course by a person who has committed an offense involving cruelty to animals in order to reduce the likelihood of future acts of such cruelty, but the parties express concern regarding the availability and quality of such courses. C.S.H.B. 162 seeks to address this concern by providing for a state-approved online responsible pet owner course.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Department of Licensing and Regulation and the Texas Commission of Licensing and Regulation in SECTION 1 of this bill.

### **ANALYSIS**

C.S.H.B. 162 amends the Code of Criminal Procedure to authorize a judge who grants community supervision to a defendant convicted of cruelty to livestock animals, an attack on an assistance animal, cruelty to nonlivestock animals, or dog fighting to require the defendant to complete an online responsible pet owner course approved and certified by the Texas Department of Licensing and Regulation (TDLR). The bill establishes that, for purposes the course, TDLR or the Texas Commission of Licensing and Regulation, as appropriate, is responsible for the approval, certification, and administration of the course and course providers and authorizes TDLR or the commission, as appropriate, to charge certain fees relating to the course, to monitor and audit the provision of the course by the course providers, and to take enforcement actions as appropriate to enforce TDLR and commission powers and duties under the bill's provisions. The bill requires TDLR or the commission, as appropriate, to adopt certain rules regarding the administration of the course and course providers and to adopt, not later than March 1, 2018, rules to implement the bill's provisions.

### **EFFECTIVE DATE**

September 1, 2017.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 162 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Article 42A.511, Code of Criminal Procedure, is amended to read as follows:

Art. 42A.511. COMMUNITY SUPERVISION FOR CERTAIN OFFENSES INVOLVING ANIMALS. If a judge grants community supervision to a defendant convicted of an offense under Section 42.09, 42.091, 42.092, or 42.10, Penal Code, the judge may require the defendant to:

(1) complete an online responsible pet owner course approved by the Texas Department of Licensing and Regulation; or

(2) attend a responsible pet owner course sponsored by a municipal animal shelter, as defined by Section 823.001, Health and Safety Code, that:

(A) ~~[(1)]~~ receives federal, state, county, or municipal funds; and

(B) ~~[(2)]~~ serves the county in which the court is located.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Article 42A.511, Code of Criminal Procedure, is amended to read as follows:

Art. 42A.511. COMMUNITY SUPERVISION FOR CERTAIN OFFENSES INVOLVING ANIMALS. (a) If a judge grants community supervision to a defendant convicted of an offense under Section 42.09, 42.091, 42.092, or 42.10, Penal Code, the judge may require the defendant to:

(1) complete an online responsible pet owner course approved and certified by the Texas Department of Licensing and Regulation; or

(2) attend a responsible pet owner course sponsored by a municipal animal shelter, as defined by Section 823.001, Health and Safety Code, that:

(A) ~~[(1)]~~ receives federal, state, county, or municipal funds; and

(B) ~~[(2)]~~ serves the county in which the court is located.

(b) For purposes of the online responsible pet owner course described by Subsection (a)(1), the Texas Department of Licensing and Regulation or the Texas Commission of Licensing and Regulation, as appropriate:

(1) is responsible for the approval, certification, and administration of the course and course providers;

(2) may charge fees for:

(A) initial and renewal course certifications;

(B) initial and renewal course provider certifications;

(C) course participant completion certificates; and

(D) other fees necessary for the administration of the course and course providers;

(3) shall adopt rules regarding the administration of the course and course providers, including rules regarding:

(A) the criteria for course approval and certification;

(B) the criteria for course provider approval and certification;

(C) curriculum development;

(D) course length and content;

(E) criteria for a participant to complete the course; and

(F) a course completion certificate that is acceptable to a court;  
(4) is authorized to monitor and audit the provision of the course by the course providers; and  
(5) may take enforcement actions as appropriate to enforce this subsection.

SECTION 2. Not later than the 120th day after the effective date of this Act, the Texas Department of Licensing and Regulation shall approve at least one online responsible pet owner course for the purposes of Article 42A.511, Code of Criminal Procedure, as amended by this Act.

No equivalent provision.

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SECTION 2. Not later than March 1, 2018, the Texas Department of Licensing and Regulation or the Texas Commission of Licensing and Regulation, as appropriate, shall adopt rules to implement Article 42A.511, Code of Criminal Procedure, as amended by this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

SECTION 3. This Act takes effect September 1, 2017.