

BILL ANALYSIS

C.S.H.B. 1916
By: Elkins
Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that better records on the intake and disposition of animals in the care of animal shelters could reduce shelter euthanasia. C.S.H.B. 1916 seeks to achieve this goal by setting out requirements for intake and disposition records for animal shelters and releasing agencies.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1916 amends the Health and Safety Code to require each animal shelter, including a shelter operated by a municipality, and releasing agency operated in Texas to prepare and maintain records on the intake and disposition of animals in the care of the shelter or agency, including the total number of live animals taken in by the shelter or agency, the reason an animal was taken in by the shelter or agency, the number of animals at the shelter or agency on the last day of each month, and the disposition of each animal taken in by the shelter or agency. The bill requires an animal shelter or releasing agency to prepare such records on a monthly basis and to maintain the records until at least the third anniversary of the date the record was prepared. The bill requires an animal shelter or releasing agency to make the records available to the public by posting the records on the shelter's, municipality's, or agency's website or, for a shelter, municipality, or agency that does not have a website, by making the records available in a form regularly maintained by the shelter, municipality, or agency for inspection and copying.

C.S.H.B. 1916 replaces the authorization for the executive commissioner of the Health and Human Services Commission to require each person operating an animal shelter to keep records of the date and disposition of animals in its custody with a requirement that the executive commissioner do so as provided by the bill's provisions and includes a releasing agency within the scope of that requirement. The bill makes related changes regarding the executive commissioner's authority regarding the location and accessibility of the records.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1916 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. The heading to Chapter 823, Health and Safety Code, is amended.

SECTION 2. Section 823.001, Health and Safety Code, is amended.

SECTION 3. Section 823.002, Health and Safety Code, is amended.

SECTION 4. Section 823.003(e), Health and Safety Code, is amended.

SECTION 5. Chapter 823, Health and Safety Code, is amended by adding Section 823.010 to read as follows:

Sec. 823.010. INTAKE AND DISPOSITION RECORDS FOR ANIMAL SHELTERS AND RELEASING AGENCIES. (a) Each animal shelter or releasing agency operated in this state shall prepare and maintain records on the intake and disposition of animals in the care of the shelter or agency, including:

(1) the total number of live animals at the shelter or agency, categorized by:

(A) species, as dog, cat, or other; and

(B) age, as five months or less or adult;

(2) the reason an animal was placed at the shelter or agency, including whether the animal was:

(A) surrendered by the animal's owner;

(B) surrendered by the animal's owner for the animal to be euthanized;

(C) impounded as a stray;

(D) impounded for a reason other than being a stray;

(E) confiscated;

(F) transferred to the shelter or agency from a location in this state;

(G) transferred to the shelter or agency from a location outside this state; or

(H) born in the shelter or under the care of the agency;

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.

SECTION 5. Chapter 823, Health and Safety Code, is amended by adding Section 823.010 to read as follows:

Sec. 823.010. INTAKE AND DISPOSITION RECORDS FOR ANIMAL SHELTERS AND RELEASING AGENCIES. (a) Each animal shelter, including a shelter operated by a municipality, or releasing agency operated in this state shall prepare and maintain records on the intake and disposition of animals in the care of the shelter or agency, including:

(1) the total number of live animals taken in by the shelter or agency, categorized by:

(A) species, as dog, cat, or other; and

(B) age, as up to five months or adult;

(2) the reason an animal was taken in by the shelter or agency, including whether the animal was:

(A) surrendered by the animal's owner;

(B) surrendered by the animal's owner and the owner requested that the animal be euthanized;

(C) impounded as a stray animal or an animal at large;

(D) confiscated;

(E) transferred to the shelter or agency from a location in this state;

(F) transferred to the shelter or agency from a location outside this state; or

(G) born in the shelter or under the care of the agency;

(3) the number of animals at the shelter or agency on the last day of each month, categorized by species and age; and

(4) the disposition of each animal taken in by the shelter or agency, categorized by species and age, including whether the animal:

(A) was adopted;

(B) was reclaimed by the animal's owner;

(C) died in the shelter or under the care of the agency;

(D) was transferred from the shelter or agency;

(E) was euthanized by the shelter or agency on a decision made by the shelter or agency;

(F) was euthanized at the owner's request;

(G) was returned to the field as part of a sterilization program; or

(H) was lost or stolen while in the shelter's or agency's care.

(b) An animal shelter or releasing agency shall monthly prepare the records required by Subsection (a).

(c) An animal shelter or releasing agency shall maintain records prepared under Subsection (a) until at least the third anniversary of the date the record was prepared.

(d) An animal shelter or releasing agency shall make the records required by this section available to the public by:

(1) posting the records on the shelter's or agency's Internet website; or

(2) for a shelter or agency that does not have an Internet website, making the records available in a form regularly maintained by the shelter or agency for inspection and copying.

SECTION 6. The changes in law made by this Act apply only to an animal placed at or disposed of by an animal shelter or releasing agency or counted in the shelter's or agency's animal total on or after the effective date of this Act.

SECTION 7. This Act takes effect September 1, 2017.

(3) the number of animals at the shelter or agency on the last day of each month, categorized by species, as dog, cat, or other, and age, as up to five months or adult; and

(4) the disposition of each animal taken in by the shelter or agency, categorized by species, as dog, cat, or other, and age, as up to five months or adult, including whether the animal:

(A) was adopted;

(B) was reclaimed by the animal's owner;

(C) died in the shelter or under the care of the agency;

(D) was transferred from the shelter or agency;

(E) was euthanized by the shelter or agency on a decision made by the shelter or agency;

(F) was euthanized at the owner's request;

(G) was returned to the field as part of a sterilization program; or

(H) was lost or stolen while in the shelter's or agency's care.

(b) An animal shelter or releasing agency shall monthly prepare the records required by Subsection (a).

(c) An animal shelter or releasing agency shall maintain records prepared under Subsection (a) until at least the third anniversary of the date the record was prepared.

(d) An animal shelter or releasing agency shall make the records required by this section available to the public by:

(1) posting the records on the shelter's, municipality's, or agency's Internet website; or

(2) for a shelter, municipality, or agency that does not have an Internet website, making the records available in a form regularly maintained by the shelter, municipality, or agency for inspection and copying.

SECTION 6. Same as introduced version.

SECTION 7. Same as introduced version.