

BILL ANALYSIS

C.S.H.B. 3517
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Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerned parties note that there have been attacks on domestic pets and livestock by dangerous dogs in a number of areas in Texas and suggest improvement is needed in the management of these dangerous dogs, particularly in areas outside of municipalities. C.S.H.B. 3517 seeks to address this issue by authorizing a municipal animal control authority to impound and manage dangerous dogs and aggressive dogs in the extraterritorial jurisdiction of the municipality under certain circumstances.

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. 3517 amends the Health and Safety Code to authorize a municipal animal control authority to impound and manage dangerous dogs and aggressive dogs in the extraterritorial jurisdiction of the municipality if in the extraterritorial jurisdiction no animal control authority is authorized to operate or the operating animal control authority does not provide for the impoundment or management of dangerous dogs or aggressive dogs, and the municipal animal control authority receives a petition signed by at least three residents from three different households in the extraterritorial jurisdiction requesting assistance from the authority and alleging that dangerous dogs or aggressive dogs have repeatedly attacked humans, domestic animals, or livestock within the extraterritorial jurisdiction and that, due to the presence of dangerous dogs or aggressive dogs, the extraterritorial jurisdiction is an unsafe environment for humans, domestic animals, or livestock. The bill defines "aggressive dog" as a dog that makes an unprovoked attack on a domestic animal or livestock that causes bodily injury to the animal or livestock and that occurs in a place other than an enclosure in which the dog was being kept and that is reasonably secured to prevent the dog from leaving the enclosure.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3517 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. Subchapter A, Chapter 822, Health and Safety Code, is amended by adding Section 822.008 to read as follows:

Sec. 822.008. PETITION FOR MUNICIPAL ANIMAL CONTROL AUTHORITY TO OPERATE IN EXTRATERRITORIAL JURISDICTION.

A municipal animal control authority may impound and manage dangerous animals, including dangerous dogs, in the extraterritorial jurisdiction of the municipality if:

(1) the authority receives a petition signed by at least five residents of the extraterritorial jurisdiction requesting assistance from the authority and alleging that:

(A) dangerous animals, including dogs or coyotes, have repeatedly attacked humans, pets, or livestock within the extraterritorial jurisdiction; and

(B) due to the presence of dangerous animals, the extraterritorial jurisdiction is an unsafe environment for humans, pets, or livestock; and

(2) another animal control authority is not authorized to operate within the extraterritorial jurisdiction.

SECTION 2. 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.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter A, Chapter 822, Health and Safety Code, is amended by adding Section 822.008 to read as follows:

Sec. 822.008. PETITION FOR MUNICIPAL ANIMAL CONTROL AUTHORITY TO OPERATE IN EXTRATERRITORIAL JURISDICTION.

(a) In this section, "aggressive dog" means a dog that makes an unprovoked attack on a domestic animal or livestock that:

(1) causes bodily injury to the animal or livestock; and

(2) occurs in a place other than an enclosure:

(A) in which the dog was being kept; and

(B) that is reasonably secured to prevent the dog from leaving the enclosure.

(b) A municipal animal control authority may impound and manage dangerous dogs and aggressive dogs in the extraterritorial jurisdiction of the municipality if:

(1) the authority receives a petition signed by at least three residents from three different households in the extraterritorial jurisdiction requesting assistance from the authority and alleging that:

(A) dangerous dogs or aggressive dogs have repeatedly attacked humans, domestic animals, or livestock within the extraterritorial jurisdiction; and

(B) due to the presence of dangerous dogs or aggressive dogs, the extraterritorial jurisdiction is an unsafe environment for humans, domestic animals, or livestock; and

(2) in the extraterritorial jurisdiction:

(A) no animal control authority is authorized to operate; or

(B) the operating animal control authority does not provide for the impoundment or management of dangerous dogs or aggressive dogs.

SECTION 2. Same as introduced version.