

SUBJECT: Authorizing certain court costs for cases involving cruelly treated animals

COMMITTEE: Judiciary and Civil Jurisprudence — committee substitute recommended

VOTE: 8 ayes — Smithee, Farrar, Clardy, Laubenberg, Raymond, Schofield,
Sheets, S. Thompson

0 nays

1 absent — Hernandez

WITNESSES: For — Chaninn Buckner, Harris County Attorney's Office; (*Registered, but did not testify*: Donna Warndof, Harris County; Shelby Bobosky, Texas Humane Legislation Network; Cile Holloway, Texas Humane Legislation Network; Carol Knight)

Against — None

BACKGROUND: Under Health and Safety Code, sec. 821.023, if a court finds that an animal's owner has cruelly treated the animal, the court must remove the animal from the owner and require the owner to pay all court costs.

Sec. 821.025 governs appeals in such cases. There is no similar requirement for the owner to pay court costs if the appeal is unsuccessful.

DIGEST: CSHB 234 would allow, but not require, a court to order an animal's owner who had been found to have cruelly treated the animal to pay the county's or municipality's reasonable attorney's fees.

Following an unsuccessful appeal, the court could order the owner to pay the county's or municipality's reasonable attorney's fees and court costs, including the costs of investigation and expert witnesses.

The bill would take effect September 1, 2015, and would apply only to proceedings commenced on or after the effective date.