

- SUBJECT:** Authorizing attorney's fees for certain animal cruelty proceedings
- COMMITTEE:** Judiciary and Civil Jurisprudence — favorable, without amendment
- VOTE:** 8 ayes — Leach, Farrar, Y. Davis, Krause, Meyer, Neave, Smith, White
0 nays
1 absent — Julie Johnson
- WITNESSES:** For — Sheri Soltes, Texas Humane Legislation Network (*Registered, but did not testify*); Donna Warndof, Harris County Attorney's Office; Alexis Tatum, Travis County Commissioners Court; Julie Gilberg; Kolby Monnig)

Against — Susanne Pringle, Texas Fair Defense Project (*Registered, but did not testify*); Kaleb McLaurin, Texas and Southwestern Cattle Raisers Association; Chris Harris)
- BACKGROUND:** Health and Safety Code sec. 821.023(e) requires a court that has found an animal's owner to be guilty of animal cruelty to order the owner to pay all court costs, including administrative costs and costs of housing and caring for the animal during its impoundment.
- DIGEST:** HB 250 would allow a court in a county or municipality with a population of at least 700,000 to order the owner of an animal found by the court to have treated the animal cruelly to pay the county's or municipality's reasonable attorney's fees, including for an appeal.

The bill would take effect September 1, 2019.
- SUPPORTERS SAY:** HB 250 would increase the cost-effectiveness of animal cruelty investigations by holding the animal owner liable, effectively funding enforcement for investigations that often can be cost-intensive.

Such enforcement against mistreatment of animals would make

communities safer because animal cruelty has been found to be a gateway crime to violent crimes against people.

The order to pay county or municipal attorney's fees would apply only to a person who was found, after due process, to have abused animals. This would not constitute an arbitrary fee or penalty because it would be used to fund greater enforcement against bad actors, a shared goal of all stakeholders.

Adequate legal safeguards of due process exist to discern standard industry practices of animal husbandry from animal cruelty, and widely accepted animal husbandry is neither pursued by law enforcement nor prosecuted by district attorneys in large counties.

Indigent defendants would not be disproportionately affected by the bill, as the court would have discretion whether to impose attorney's fees, and existing mechanisms for a person to claim indigent status would remain in place. Funding enforcement for pursuing animal cruelty cases should outweigh concerns about the burden of fees for the person found to have treated an animal cruelly, regardless of the person's income.

**OPPONENTS
SAY:**

HB 250 could unfairly target urban and suburban livestock owners who are facing increasing litigation from animal rights groups and concerned individuals.

Sometimes individuals who lack knowledge of industry practices lodge complaints against standard, humane livestock practices, causing small and midsize urban and suburban livestock owners with limited resources to incur significant legal expense.

This is especially true in Harris County, where a quarter of the total area of the county is used for agricultural production and residents live near livestock operations.

**OTHER
OPPONENTS**

Allowing the imposition of additional court costs and fees in animal cruelty proceedings has a disproportionate effect on indigent defendants.

SAY: Current requirements to pay all court costs, including administrative costs and costs of housing and caring for an animal during its impoundment, already impose a significant cost on a person found to have treated an animal cruelly.