

SUBJECT: Allowing transfer of retired law enforcement animal to qualified caretaker

COMMITTEE: Homeland Security and Public Safety — favorable, without amendment

VOTE: 9 ayes — Nevárez, Paul, Burns, Calanni, Clardy, Goodwin, Israel, Lang, Tinderholt

0 nays

WITNESSES: For — Chris Barnes, Sheriffs' Association of Texas; (*Registered, but did not testify*: Chris Jones, Combined Law Enforcement Associations of Texas; Frederick Frazier, Dallas Police Association; Ray Hunt, Houston Police Officers Union; Walter West II (RET), Republican Party of Texas Senate District 4 Veterans; Jimmy Rodriguez, San Antonio Police Officers Association; Murray Agnew and Micah Harmon, Sheriffs' Association of Texas; Monty Wynn, Texas Municipal League; Jason Vaughn, Texas Young Republicans; Andrew Holley)

Against — None

DIGEST: HJR 96 would amend the Texas Constitution to allow the Legislature to authorize a state agency or a county, municipality, or other political subdivision to transfer a law enforcement dog, horse, or other animal to the animal's handler or another qualified caretaker for free upon the animal's retirement or at another time if it was in the animal's best interest.

The ballot proposal would be presented to voters at an election on November 5, 2019, and would read: "The constitutional amendment to allow the transfer of a law enforcement animal to a qualified caretaker in certain circumstances."

SUPPORTERS SAY: HJR 96 would address concerns that current law is not clear with regard to the retirement of a law enforcement animal to its handler's care upon the animal's retirement. Sections of the Texas Constitution generally prohibit a state entity from transferring valuable property to a private person without payment, and Texas law classifies domestic animals as property,

causing confusion as to whether a law enforcement agency can transfer a retired law enforcement animal into its handler's care for little to no fee. Some counties have been concerned that they would have to hold a public auction to transfer custody of a retired law enforcement animal. HJR 96 is necessary to allow the Legislature to clarify the humane practice of retiring these law enforcement animals to their former handlers.

HJR 96 would honor the bond between a law enforcement animal and its handler by allowing these animals to retire in the homes where they live. Law enforcement K-9s go home with their handler every day while in service, which for some dogs could be around 10 years. For this reason, law enforcement agencies should be allowed to retire these animals to the homes they have been in their entire lives, ensuring the continued humane care for these animals.

OPPONENTS
SAY:

No concerns identified.

NOTES:

HB 3063 by Smithee, the enabling legislation for HJR 96, is set for second-reading consideration on today's Major State Calendar.

According to the Legislative Budget Board, the cost to the state for publication of the resolution would be \$177,289.