

BILL ANALYSIS

Senate Research Center

S.B. 1235
By: Moncrief
Natural Resources
4-16-97
As Filed

DIGEST

During the 74th Legislature, S.B. 97 repealed Chapter 12G, Parks and Wildlife Code, regulating dangerous wild animals, as of September 1, 1997. S.B. 97 repealed Subchapter G primarily because the Department of Parks and Wildlife does not have the manpower or the resources to regulate dangerous wild animals. This bill would give control over the regulation of dangerous wild animals to local animal authorities or to the county sheriff. Additionally, this bill would prohibit a person from owning, possessing, having custody or control of, or harboring a dangerous wild animal for any purpose, with exceptions.

PURPOSE

As proposed, S.B. 1235 gives control over the regulation of dangerous wild animals to local authorities or to the county sheriff, and prohibits a person from owning, possessing, having custody or control of, or harboring a dangerous wild animal for any purpose, with exceptions.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 882, Health and Safety Code, by adding Subchapter E, as follows:

SUBCHAPTER E. DANGEROUS WILD ANIMALS

Sec. 822.051. DEFINITIONS. Defines "animal control authority," "commercial activity," "dangerous wild animals," and "owner."

Sec. 822.052. OWNERSHIP PROHIBITED. Prohibits a person from owning, possessing, having custody or control of, or harboring a dangerous wild animal for any purpose. Sets forth the exceptions to this prohibition.

Sec. 822.053. EXISTING ANIMALS. Prohibits Section 822.052 from applying to a dangerous wild animal owned at the time this subchapter becomes effective if its owner meets certain requirements. Sets forth those requirements. Requires any person required to obtain a dangerous wild animal permit pursuant to this section to apply for the permit on an application form provided by the animal control authority. Requires the application form to contain a pre-printed animal identification number. Requires the applicant to complete the application with certain information before the application will be considered by the animal control authority. Sets forth the required information. Requires the applicant to file the completed application with the animal control authority along with certain items. Sets forth the required items.

Sec. 822.054. REQUIREMENTS FOR CONFINEMENT FACILITIES. Requires a cage or other confinement facility which confines or encloses a dangerous wild animal to meet certain specifications. Sets forth the specifications based on the type of wild animal involved. Requires any condition which results in the escape of an animal from the cage or confinement facility in which the animal is confined or enclosed or which results in injury to any person to

be considered a violation of this section.

Sec. 822.055. PENALTY. Provides that a person who violates Section 822.052 commits a Class C misdemeanor. Provides that there will be a separate offense for each animal involved. Provides that a person who commits an offense under this section is liable for a civil penalty not to exceed \$1,000 for each day of the violation. Authorizes a certain attorney to file suit in court of competent jurisdiction to collect the penalty and any amounts due. Requires penalties collected under this subsection to be retained by the county or municipality. Requires the owner, if requested by the animal control authority, to surrender possession of the animal to the animal control authority pending the resolution of any alleged violation by the owner with respect to the animal and to pay all costs of care and feeding of the animal incurred by the animal control agency if the owner is found to have violated Section 822.052. Requires the court, upon finding a person guilty of an offense under this section, to order the forfeiture of the animal involved in the offense to the animal control authority.

Sec. 822.056. OTHER REQUIREMENTS. Provides that nothing in this chapter relieves a person of the obligations of complying with the requirements of Chapters 43C, 67 and 68, Parks and Wildlife Code, or the regulations promulgated under those laws; Chapter 240A, Local Government Code, or any orders adopted pursuant to that subchapter; and any other law, regulation, rule, order, ordinance or other legal requirement of the State of Texas or any political subdivision of the State of Texas.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.