

BILL ANALYSIS

Senate Research Center
78R14879 JTS-D

C.S.H.B. 151
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Natural Resources
5/21/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, Texas ranchers and cattlemen are losing livestock because of attacks by dogs, coyotes, and crossbreeds between dogs and coyotes. No statewide statute protects the owners of livestock who may need to use deadly force to protect their livestock from these attacks. C.S.H.B. 151 amends Chapter 822 of the Texas Health and Safety Code to uniformly include livestock, including exotic livestock, to prohibit certain dogs and coyotes from running at large, and to make domestic dog owners more accountable for their animals' actions.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 822, Health and Safety Code, by amending the subchapter and transferring Section 822.033 to the subchapter, renumbering that section as Section 822.013, and amending that section as follows:

SUBCHAPTER B. New heading: DOGS AND COYOTES THAT ARE A DANGER TO ANIMALS

Sec. 822.011. DEFINITIONS. Defines "dog or coyote" and "livestock."

Sec. 822.012. New heading: CERTAIN DOGS AND COYOTES PROHIBITED FROM RUNNING AT LARGE; CRIMINAL PENALTY.

(a) Prohibits the owner, keeper, or person in control of a dog or coyote, that the owner, keeper or person knows is accustomed to run, worry, or kill livestock, domestic animals, or fowls, rather than goats, sheep, or poultry, from permitting the dog or coyote to run at large.

(b) Makes no changes to this section.

(c) Provides that each time a dog or coyote runs at large in violation of this section constitutes a separate offense.

Sec. 822.013. New heading: DOGS OR COYOTES THAT ATTACK ANIMALS. (a) Authorizes a dog or coyote that is attacking, is about to attack, or has recently attacked livestock, domestic animals or fowls to be killed by any person witnessing the attack or the attacked animal's owner or a person acting on behalf of the owner if the owner or person has knowledge of the attack.

(b) Provides that a person who kills a dog or coyote as provided by this section is not liable for damages to the owner, keeper, or person in control of the dog or coyote.

(c) Authorizes a person who discovers on the person's property a dog or coyote

known or suspected of having killed livestock, domestic animals, or fowls to detain or impound the dog or coyote and return it to its owner or deliver the dog or coyote to the local animal control authority. Provides that the owner of the dog or coyote is liable for all costs incurred in the capture and care of the dog or coyote and all damage done by the dog or coyote. Makes conforming changes.

(d) Requires the owner, keeper, or person in control of a dog or coyote that is known to have attacked livestock, domestic animals, or fowls to control the dog or coyote in a manner approved by the local animal control authority, rather than kill the dog. Deletes existing text authorizing certain law enforcement officials to enter the premises of the owner of the dog and kill the dog if the owner fails to do so. Makes conforming changes.

(e) Provides that a person is not required to acquire a hunting license under Section 42.002, Parks and Wildlife Code, to kill a dog or coyote under this section.

SECTION 2. Repealers: Sections 822.032 and 822.034, Health and Safety Code.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2003.