

## **BILL ANALYSIS**

Senate Research Center  
84R9531 SCL-D

S.B. 708  
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Natural Resources & Economic Development  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Stray and aggressive dog complaint calls by citizens are some of the most reported nuisance issues, especially in large urban areas. Constituents often report brutal attacks, fear of leaving their homes, restricted access to parks and public amenities, and delayed mail service resulting from aggressive animals. Current state code defines dangerous dogs, but does not uniformly address aggressive, stray, and other nuisance dog issues.

As such, S.B. 708 revises dangerous, aggressive, and nuisance definitions, removes the cap on dangerous dog registration fees, grants animal control authorities more responsibilities and abilities in responding to animal issues, and allows municipalities and counties to adopt best practices for their region.

As proposed, S.B. 708 amends current law relating to regulation of public nuisance, aggressive, and dangerous dogs and authorizes fees and creates offenses.

### **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 the heading to Subchapter D, Chapter 822, Health and Safety Code, as follows:

#### **SUBCHAPTER D. PUBLIC NUISANCE, AGGRESSIVE, AND DANGEROUS DOGS**

SECTION 2. Amends Section 822.041, Health and Safety Code, by amending Subdivision (1) and adding Subdivisions (1-a) and (6), as follows:

- (1) Defines "aggressive dog."
- (1-a) Defines "animal control authority." Creates subdivision from existing text.
- (6) Defines "public nuisance dog."

SECTION 3. Amends Subchapter D, Chapter 822, Health and Safety Code, by adding Sections 822.0415 and 822.0416, as follows:

Sec. 822.0415. REQUIREMENTS FOR OWNER OF PUBLIC NUISANCE DOG; SEIZURE. (a) Requires the person, not later than the 30th day after the date a person learns that the person is the owner of a public nuisance dog, to:

- (1) abate the nuisance that serves as the basis for the determination that the dog is a public nuisance dog; and
- (2) comply with an applicable municipal or county regulation, requirement, or restriction on a public nuisance dog.

(b) Provides that, for purposes of this section, a person learns that the person is the owner of a public nuisance dog when:

(1) the owner knows of a nuisance described by Section 822.041(6)(A), (B), (C), or (D) (subdivisions relating to definition of "aggressive dog");

(2) the owner receives notice that a justice court, county court, or municipal court has found that the dog is a public nuisance dog under Section 822.0423 (Hearing); or

(3) the owner is informed by the animal control authority that the dog is a public nuisance dog under Section 822.0421 (Determination that Dog is Dangerous).

(c) Prohibits an animal control authority from seizing a public nuisance dog unless the dog is running at large.

Sec. 822.0416. REQUIREMENTS FOR OWNER OF AGGRESSIVE DOG. (a) Requires the person, not later than the 30th day after the date a person learns that the person is the owner of an aggressive dog, to:

(1) register the aggressive dog with the animal control authority for the area in which the dog is kept;

(2) restrain the aggressive dog at all times on a leash in the immediate control of a person or in a secure enclosure; and

(3) comply with an applicable municipal or county regulation, requirement, or restriction on an aggressive dog.

(b) Provides that, for purposes of this section, a person learns that the person is the owner of an aggressive dog when:

(1) the owner knows of an act described by Section 822.041(1)(A), (B), (C), (D), or (E);

(2) the owner receives notice that a justice court, county court, or municipal court has found that the dog is an aggressive dog under Section 822.0423; or

(3) the owner is informed by the animal control authority that the dog is an aggressive dog under Section 822.0421.

SECTION 4. Amends Section 822.0421, Health and Safety Code, as follows:

Sec. 822.0421. New heading: DETERMINATION THAT DOG IS PUBLIC NUISANCE, AGGRESSIVE, OR DANGEROUS. (a) Authorizes the animal control authority to investigate the incident if a person reports an incident described by Section 822.041(1) (defining "aggressive dog"), (2) (defining "dangerous dog"), or (6) (defining "public nuisance dog"), rather than only Section 822.041(2). Requires the animal control authority to notify the owner of that fact if, after receiving the sworn statements of any witnesses, it determines the dog is a public nuisance, aggressive, or dangerous dog.

(b) Authorizes an owner, not later than the 15th day after the date the owner is notified that a dog owned by the owner is a public nuisance, aggressive, or dangerous dog, to appeal the determination of the animal control authority to a justice, county, or municipal court of competent jurisdiction. Makes no further change.

SECTION 5. Amends Section 822.0423(a), Health and Safety Code, as follows:

(a) Requires the court, on receiving a report of an incident under Section 822.0422 (Reporting of Incident in Certain Counties and Municipalities) or an incident described by Section 822.041(1) or (6) or on application under Section 822.042(c) (relating to a court-ordered warrant for pet seizure), to set a time for a hearing to determine whether the dog is a public nuisance, aggressive, or dangerous dog or whether the owner of the dog has complied with Section 822.0415, 822.0416, or 822.042 (Requirements for Owner of Dangerous Dog), as applicable. Requires the hearing to be held not later than the 10th day after the date on which the dog is seized or delivered, if applicable.

SECTION 6. Amends Section 822.043, Health and Safety Code, as follows:

Sec. 822.043. REGISTRATION. (a) Requires an animal control authority for the area in which the dog is kept to annually register an aggressive or dangerous dog if the owner:

(1) presents proof of:

(A) liability insurance or financial responsibility, if, rather than as, required by Section 822.042;

(B) current rabies vaccination of the dog, rather than dangerous dog; and

(C) the secure enclosure in which the dog, rather than dangerous dog, will be kept; and

(2) pays an annual registration fee in the amount determined by the governing body of the municipality or county in which the animal control authority is located, rather than an annual registration fee of \$50.

(b) Requires the animal control authority to provide to the owner registering an aggressive or dangerous dog a registration tag. Makes a nonsubstantive change.

(c) Requires the owner, not later than the 14th day after the date of the sale or move, to notify the animal control authority for the area in which the new address is located if an owner of a registered aggressive or dangerous dog sells or moves the dog to a new address. Requires the animal control authority, on presentation by the current owner of the aggressive or dangerous dog's prior registration tag and payment of a fee in the amount determined by the governing body of the municipality or county in which the animal control authority is located, rather than a fee of \$25, to issue a new registration tag to be placed on the aggressive or dangerous dog's collar.

(d) Requires the owner of a registered aggressive or dangerous dog to notify the office in which the aggressive or dangerous dog was registered of any attacks the aggressive or dangerous dog makes on people.

(e) Authorizes an animal control authority, except as provided by this subsection, on court order following a hearing under Section 822.0423 or consent of the owner, to implant a microchip into a public nuisance dog described by Section 822.041(6)(C) (relating to a dog that has run at large) or an aggressive or dangerous dog instead of or in addition to providing a tag under Subsection (b) or (c).

SECTION 7. Amends Section 822.045(a), Health and Safety Code, as follows:

(a) Provides that a person who owns or keeps custody or control of a public nuisance, aggressive, or dangerous dog commits an offense if the person fails to comply with Section 822.0415, 822.0416, or 822.042, as applicable, Section 822.0422(b) (relating to

the reporting of an incident described by Section 822.041), or an applicable municipal or county regulation relating to public nuisance, aggressive, or dangerous dogs.

SECTION 8. Amends Section 822.047, Health and Safety Code, as follows:

Sec. 822.047. New heading: LOCAL REGULATION OF PUBLIC NUISANCE, AGGRESSIVE, AND DANGEROUS DOGS. (a) Creates this subsection from existing text. Authorizes a county or municipality to place additional requirements or restrictions on aggressive or dangerous dogs if the requirements or restrictions meet certain criteria as set forth.

(b) Authorizes the commissioners court of a county by order of the governing body of a municipality by ordinance to exempt the county or municipality, as applicable, from the requirements and restrictions on public nuisance dogs under this chapter if the commissioners court or governing body determines that local regulation adequately provides for the abatement of stray dogs, barking dogs, dogs that are aggressive toward other animals, destructive dogs, and nuisance dogs.

SECTION 9. Effective date: September 1, 2015.