

BILL ANALYSIS

Senate Research Center
85R22711 LHC-D

H.B. 162
By: Lucio III (Menéndez)
Criminal Justice
5/18/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 162 amends current statute to allow the use of online responsible pet owner courses. Further, the bill increases the reach of such programs and helps reduce and prevent these further incidents of animal cruelty. The rationale is below.

The 82nd regular session passed H.B. 1103, which is current law. H.B. 1103 stated that a judge has authorization to order persons convicted of cruelty to livestock, assistance, and non-livestock animals or dog fighting to attend a responsibility pet-owner course sponsored by a municipal animal shelter.

The municipal animal shelters in Texas do a fantastic job with this but rarely have the means to develop a responsible pet owner course. While some of these shelters may offer some form of responsible pet owner course, however, the data is unclear where and if these programs exist and if they meet current statutory requirements. The existing statute limits the number and type of shelters that can offer these courses, thereby severely limiting the number of people who could benefit from taking such a course and helping to prevent animal cruelty incidents. As a result, the state's established policy of allowing judges to make use of such programs to help reduce and prevent animal cruelty has limited benefit.

Additionally, the committee substitute requires the Texas Department of Licensing and Regulation to develop program rules and to set standards for online pet responsibility courses; and those rules and standards will determine which groups or companies are eligible to offer courses that can be used by judges.

H.B. 162 amends current law relating to conditions of community supervision for defendants convicted of certain criminal offenses involving animals and authorizes fees.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Licensing and Regulation in SECTION 1 (Article 42A.511, Code of Criminal Procedure) of this bill.

Rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 1 (Article 42A.511, Code of Criminal Procedure) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 42A.511, Code of Criminal Procedure, as follows:

Art. 42A.511. COMMUNITY SUPERVISION FOR CERTAIN OFFENSES INVOLVING ANIMALS. (a) Authorizes the judge, if a judge grants community supervision to a defendant convicted of a certain offense, to require the defendant to:

- (1) complete an online responsible pet owner course approved and certified by the Texas Department of Licensing and Regulation (TDLR);
or

(2) creates this subdivision from existing text. Redesignates existing Subdivisions (1) and (2) as Paragraphs (A) and (B).

(b) Provides that, for purposes of the online responsible pet owner course described by Subsection (a)(1), TDLR or the Texas Commission of Licensing and Regulation (TCLR), as appropriate:

(1) is responsible for the approval, certification, and administration of the course and course providers;

(2) is authorized to charge for certain fees;

(3) is required to adopt rules regarding the administration of the course and course providers, including certain rules;

(4) is authorized to monitor and audit the provision of the course by the course providers; and

(5) is authorized to take enforcement actions as appropriate to enforce this subsection.

SECTION 2. Requires TDLR or TCLR, as appropriate, not later than March 1, 2018, to adopt rules to implement Article 42A.511, Code of Criminal Procedure, as amended by this Act.

SECTION 3. Effect date: September 1, 2017.