

BILL ANALYSIS

Senate Research Center
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S.B. 2100
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas law enforcement agencies use dogs, horses, and other animals to help them perform their duties. Interested parties contend that few people are qualified to humanely care for and properly supervise a law—enforcement dog or horse. When these animals retire, agencies typically adopt them to their former handler or other qualified caretaker—usually for a small fee or no fee at all.

Texas law classifies domestic animals as personal property. Currently the Local Government Code classifies a retiring sheriff's office's canine or other working animal as salvage or surplus property and generally anticipates that a county will auction off its salvage or surplus property and receive a fee.

Purpose:

S B. 2100 would amend the Local Government Code to permit counties and cities to transfer a law enforcement dog, horse, or other animal to the animal 's handler or other qualified caretaker for no consideration on the animal 's retirement or other time in the animal's best interest.

Additionally, S.B. 2100 would confer many of the benefits of the comparable federal statute. The bill would:

- (1) require a sheriff to determine when a dog or other animal was suitable for retirement and adoption, including by reason of the animal's age or health or the death or severe injury of the animal's handler;
- (2) require a person adopting a retiring animal to be capable of humanely caring for it;
- (3) set out the priorities for eligible recipients, including former handlers, a handler's family members, and other licensed officers, county jailers, or dispatchers;
- (4) set out minimum terms for the adoption contract, including (a) a term to allow an adoption for no fee, (b) a requirement that the recipient humanely care for the animal, comply with all laws for the keeping of domestic animals, and notify the county if the person becomes unable to continue to care for the animal, and (c) a term requiring the county to re-take the animal to ensure its proper care; and
- (5) note the types of immunity that protect the county.

As proposed, S.B. 2100 amends current law relating to the transfer of a retired county or municipal law enforcement animal.

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 Section 263.152(a), Local Government Code, as follows:

(a) Authorizes the commissioners court of a county to transfer gambling equipment in the possession of the county following its forfeiture to the state to the Texas Facilities Commission, rather than the Texas Building and Procurement Commission, for sale under Section 2175.904 (Disposal of Gambling Equipment), Government Code, or to by order or resolution, transfer a retired law enforcement animal as provided by Section 272.007, among certain actions.

SECTION 2. Amends Chapter 272, Local Government Code, by adding Section 272.007, as follows:

Sec. 272.007. TRANSFER OF RETIRED LAW ENFORCEMENT ANIMAL. (a) Authorizes the commissioners court of a county or the governing body of a municipality to enter into a contract with a person for the transfer of a law enforcement dog, horse, or other animal that has been determined by the head of the applicable law enforcement agency to be:

(1) suitable for transfer, after consulting with the animal's veterinarian, handlers, and other caretakers; and

(2) surplus to the needs of the county or municipality because the animal is at the end of the animal's working life or subject to circumstances that justify making the animal available for transfer before the end of the animal's working life, including the death of the animal's handler in the line of duty or as a result of injuries sustained in the line of duty or the medical retirement of the animal's handler as a result of injuries sustained in the line of duty.

(b) Authorizes a law enforcement animal determined to be suitable and eligible for transfer under Subsection (a) to be transferred only to a person who is:

(1) capable of humanely caring for the animal; and

(2) selected by the head of the applicable law enforcement agency in the following order of priority, as applicable:

(A) the animal's former handler who medically retired as a result of injuries sustained in the line of duty;

(B) the parent, child, spouse, or sibling of the animal's former handler if the handler was killed in the line of duty or died from injuries sustained in the line of duty;

(C) a former handler not described by Paragraph (A);

(D) a peace officer, county jailer, or telecommunicator other than the animal's handler; or

(E) another person.

(c) Requires the head of the applicable law enforcement agency, if more than one person in a category of authorized transferees under Subsection (b)(2) requests to receive the animal, to determine which of the potential transferees would best serve the best interest of the animal and the applicable county or municipality.

(d) Provides that a contract for a transfer under this section:

(1) is authorized to provide for the transfer without charge to the transferee;

(2) is required to require the transferee to:

(A) humanely care for the animal, including providing food, shelter, and regular and appropriate veterinary care, including medication, to properly provide for the animal's health;

(B) comply with all state and local laws applicable to keeping domestic animals; and

(C) notify the applicable county or municipality if the transferee is no longer able to humanely care for the animal; and

(3) is required to require the applicable county or municipality to take possession of the animal on:

(A) receipt of the notice under Subdivision (2)(C); or

(B) a finding by the commissioners court or municipal governing body, as applicable, that the transferee is no longer able to humanely care for the animal.

(e) Provides that a county or municipality that transfers an animal under this section is not liable in a civil action for any damages arising from the transfer, including damages arising from the animal's law enforcement training and is not liable for veterinary expenses of the transferred animal, including expenses associated with care for a condition of the animal that existed before or at the time of transfer, regardless of whether the applicable law enforcement agency, county, or municipality was aware of the condition.

(f) Provides that this section does not require an animal to be transferred under this section, affect a county's or municipality's authority to care for retired law enforcement animals, or waive the governmental immunity to suit and from liability of the county or municipality transferring an animal.

SECTION 3. Effective date: upon passage or September 1, 2019.