

BILL ANALYSIS

Senate Research Center
86R8677 SRA-D

S.B. 764
By: Menéndez
Criminal Justice
4/29/2019
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Background

The Texas Animal Control Association (TACA) believes that unmanaged dogs and cats pose a threat to the community by spreading canine and feline diseases as physical injuries (bites and attacks on humans). The safety of Texans is seriously endangered by such bites.

TACA believes that all communities should have an enforceable, comprehensive animal management program or should strive to obtain the legal changes in local ordinance, rules, and regulations necessary to incorporate one.

Solution

S.B. 764 amends Sections 46.02 and 46.03, Penal Code, allowing enforcement officers who hold a certificate of registration issued under Chapter 1952, Occupations Code, to possess or carry a club or bite stick as an instrument used specifically for deterring an animal bite while the officer is performing official duties or traveling to or from a place of duty.

S.B. 764 also amends Section 1952.051, Occupations Code, by adding Subsection (c) regarding the education requirements adopted under Subsection (b) to include education regarding the principles and procedures that must be followed while in possession of or carrying an instrument used specifically to deter dog bites.

Section 1952.1051, Occupations Code, is amended to require the Texas Commission of Licensing and Regulation to establish an approved curriculum that includes the principles and procedures code enforcement officers must follow when possessing or carrying an instrument to be used specifically for deterring animal bites.

This bill will help alleviate the dangerous issue of animal bites by implementing preventative measures.

As proposed, S.B. 764 amends current law relating to the authority of a code enforcement officer performing official duties to possess or carry an instrument used for deterring an animal bite.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Commission of Licensing and Regulation is modified in SECTION 3 (Section 1952.1051, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 46.15, Penal Code, by adding Subsection (h), as follows:

(h) Provides that the provisions of Sections 46.02 (Unlawful Carrying Weapons) and 46.03 (Places Weapons Prohibited) prohibiting the possession or carrying of a club do not apply to a code enforcement officer who:

(1) holds a certificate of registration issued under Chapter 1952 (Code Enforcement Officers), Occupations Code; and

(2) possesses or carries an instrument used specifically for deterring an animal bite while the officer is performing official duties or traveling to or from a place of duty.

SECTION 2. Amends Section 1952.051, Occupations Code, by adding Subsection (c) to require the education requirements adopted under Subsection (b) (relating to requiring the Texas Commission of Licensing and Regulation (TCLR) to adopt certain standards and education requirements for code enforcement officers) to include education regarding the principles and procedures to be followed when possessing or carrying an instrument used specifically for deterring an animal bite.

SECTION 3. Amends Section 1952.1051, Occupations Code, as follows:

Sec. 1952.1051. CONTINUING EDUCATION. Requires TCLR by rule to prescribe continuing education requirements for code enforcement officers and code enforcement officers in training that:

(1) makes no changes to this subdivision;

(2) establish an approved curriculum that includes material regarding changes in applicable law and the principles and procedures to be followed when possessing or carrying an instrument used specifically for deterring an animal bite; and

(3) makes no changes to this subdivision.

SECTION 4. Effective date: September 1, 2019.