

1991 MAR 21 PM 4: 35
HOUSE OF REPRESENTATIVES

I certify that the attached is a true and correct copy of HB 2065, which was filed of record on 3-7-91 and referred to the committee on county affairs
Betty Manning
Chief Clerk of the House

FILED MAR 7 1991

By *Rob Ellis*

H.B. No. 2065

A BILL TO BE ENTITLED

AN ACT

relating to the keeping of vicious dogs; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 822, Health and Safety Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. VICIOUS DOGS

Sec. 822.041. DEFINITIONS. In this subchapter:

(1) "Dog" includes coyote, wolf, or other animal belonging to the canine family.

(2) "Unprovoked attack" means an attack on a person or animal by a dog that was not hit, kicked, struck, pinched, squeezed, bitten, or pulled by the person or animal.

(3) "Vicious dog" means a dog that makes an unprovoked attack that causes bodily injury that occurs in a place other than a pen or other enclosure in which the dog was being kept that was reasonably certain to prevent the dog from leaving the pen or enclosure on its own.

Sec. 822.042. REQUIREMENTS FOR OWNER OF VICIOUS DOG. Not later than the 60th day after a person learns that the person owns or keeps in the person's custody or control a vicious dog, the person shall:

(1) register the vicious dog with a municipal or county animal control office with authority over the area in which the dog is kept or, if the dog is kept in an area with no animal

1 control office, with the county sheriff;

2 (2) restrain the vicious dog at all times on a leash
3 in the immediate control of a person or in a pen or other enclosure
4 reasonably certain to prevent the vicious dog from leaving the pen
5 or enclosure on its own; and

6 (3) obtain liability insurance coverage in an amount
7 of at least \$100,000 to cover damages resulting from an attack by
8 the vicious dog causing bodily injury to a person or animal.

9 Sec. 822.043. REGISTRATION. (a) A municipal or county
10 animal control office with authority over the area in which the dog
11 is kept, or a county sheriff if the dog is kept in an area with no
12 animal control office, shall register a vicious dog of a person who
13 owns or keeps custody or control of the vicious dog if:

14 (1) the person presents proof of:

15 (A) liability insurance, as required by Section
16 822.042;

17 (B) current rabies vaccination of the vicious
18 dog; and

19 (C) a pen or enclosure in which the vicious dog
20 will be kept; and

21 (2) pays a registration fee of \$25.

22 (b) The animal control office or sheriff shall provide to
23 the person registering a vicious dog a registration tag. The
24 person must place the tag on the dog's collar.

25 (c) If a person that has a registered vicious dog sells or
26 moves the dog to a new address, the person, not later than the 30th
27 day after the sale or move, shall notify the animal control office

1 having authority at the new address or the sheriff if the new
2 address is in an area with no animal control office. On
3 presentation of the vicious dog's prior registration tag and
4 payment of a fee of \$10, the animal control office or the county
5 sheriff shall issue a new registration tag to be placed on the
6 vicious dog's collar.

7 (d) A person with a registered vicious dog shall notify the
8 office in which the vicious dog was registered of any attacks the
9 vicious dog makes on people or animals.

10 Sec. 822.044. ATTACK BY VICIOUS DOG. (a) A person commits
11 an offense if the person owns or keeps in the person's custody or
12 control a vicious dog and the dog makes an unprovoked attack on
13 another person or animal outside the dog's pen or enclosure and
14 causes bodily injury to the other person or animal.

15 (b) An offense under this section is a Class B misdemeanor.

16 (c) If a person is found guilty of an offense under this
17 section, the court shall order the vicious dog destroyed by a
18 person listed in Section 822.003.

19 Sec. 822.045. VIOLATIONS. (a) A person who owns or keeps
20 custody or control of a vicious dog commits an offense if the
21 person fails to comply with Section 822.042.

22 (b) An offense under this section is a Class C misdemeanor.

23 Sec. 822.046. DEFENSE. It is a defense to prosecution under
24 Section 822.044 or Section 822.045 that the person is a
25 veterinarian, a peace officer, a person employed by a recognized
26 animal shelter, or a person employed by the state or a political
27 subdivision of the state to deal with stray animals and has

1 temporary ownership, custody, or control of the dog in connection
2 with that position.

3 Sec. 822.047. LOCAL REGULATION OF VICIOUS DOGS. A county or
4 municipality may place additional requirements or restrictions on
5 vicious dogs if the requirements or restrictions:

6 (1) are not specific to one breed or several breeds of
7 dogs; and

8 (2) are more stringent than restrictions provided by
9 this subchapter.

10 SECTION 2. Section 42.12, Penal Code, is repealed.

11 SECTION 3. Article 18.182, Code of Criminal Procedure, is
12 repealed.

13 SECTION 4. The repeal by this Act of Section 42.12, Penal
14 Code, does not apply to an offense committed under that section
15 before the effective date of the repeal. An offense committed
16 before the effective date of the repeal is covered by the law in
17 effect when the offense was committed, and the former law is
18 continued in effect for this purpose.

19 SECTION 5. This Act takes effect September 1, 1991.

20 SECTION 6. The importance of this legislation and the
21 crowded condition of the calendars in both houses create an
22 emergency and an imperative public necessity that the
23 constitutional rule requiring bills to be read on three several
24 days in each house be suspended, and this rule is hereby suspended.

HOUSE COMMITTEE REPORT

91 MAY -6 PM 4: 03

1st Printing

By Eckels, et al.

H.B. No. 2065

Substitute the following for H.B. No. 2065:

By Eckels

C.S.H.B. No. 2065

A BILL TO BE ENTITLED

AN ACT

relating to the keeping of dangerous dogs; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 822, Health and Safety Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. DANGEROUS DOGS

Sec. 822.041. DEFINITIONS. In this subchapter:

(1) "Animal control authority" means a municipal or county animal control office with authority over the area where the dog is kept or a county sheriff in an area with no animal control office.

(2) "Dangerous dog" means a dog that:

(A) makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or

(B) commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

(3) "Dog" means a domesticated animal that is a member of the canine family.

(4) "Secure enclosure" means a fenced area or

1 structure that is:

2 (A) locked;

3 (B) capable of preventing the entry of the
4 general public, including children;

5 (C) capable of preventing the escape or release
6 of a dog;

7 (D) clearly marked as containing a dangerous
8 dog; and

9 (E) in conformance with the requirements for
10 enclosures established by the local animal control authority.

11 (5) "Owner" means a person who owns or has custody or
12 control of the dog.

13 Sec. 822.042. REQUIREMENTS FOR OWNER OF DANGEROUS DOG. (a)
14 Not later than the 30th day after a person learns that the person
15 is the owner of a dangerous dog, the person shall:

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

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

20 (3) obtain liability insurance coverage or show
21 financial responsibility in an amount of at least \$100,000 to cover
22 damages resulting from an attack by the dangerous dog causing
23 bodily injury to a person.

24 (b) For purposes of this section, a person learns that the
25 person is the owner of a dangerous dog when:

26 (1) the owner knows of an attack described in Section
27 822.041(2)(A); or

1 (2) the owner is informed by the animal control
2 authority that the dog is a dangerous dog.

3 (c) If a person reports an incident described by Section
4 822.041(2), the animal control authority may investigate the
5 incident. If, after receiving the sworn statements of any
6 witnesses, the animal control authority determines the dog is a
7 dangerous dog, it shall notify the owner of that fact.

8 (d) An owner, not later than the 30th day after the date the
9 owner is notified that a dog owned by the owner is a dangerous dog,
10 may appeal the determination of the animal control authority to a
11 justice or municipal court of competent jurisdiction. An owner may
12 appeal the decision of the justice or municipal court in the same
13 manner as appeal for other civil cases.

14 Sec. 822.043. REGISTRATION. (a) An animal control
15 authority for the area in which the dog is kept shall annually
16 register a dangerous dog if the owner:

17 (1) presents proof of:

18 (A) liability insurance or financial
19 responsibility, as required by Section 822.042;

20 (B) current rabies vaccination of the dangerous
21 dog; and

22 (C) the secure enclosure in which the dangerous
23 dog will be kept; and

24 (2) pays an annual registration fee of \$50.

25 (b) The animal control authority shall provide to the owner
26 registering a dangerous dog a registration tag. The owner must
27 place the tag on the dog's collar.

1 (c) If an owner of a registered dangerous dog sells or moves
2 the dog to a new address, the owner, not later than the 14th day
3 after the date of the sale or move, shall notify the animal control
4 authority for the area in which the new address is located. On
5 presentation by the current owner of the dangerous dog's prior
6 registration tag and payment of a fee of \$25, the animal control
7 authority shall issue a new registration tag to be placed on the
8 dangerous dog's collar.

9 (d) An owner of a registered dangerous dog shall notify the
10 office in which the dangerous dog was registered of any attacks the
11 dangerous dog makes on people.

12 Sec. 822.044. ATTACK BY DANGEROUS DOG. (a) A person
13 commits an offense if the person is the owner of a dangerous dog
14 and the dog makes an unprovoked attack on another person outside
15 the dog's enclosure and causes bodily injury to the other person.

16 (b) An offense under this section is a Class C misdemeanor.

17 (c) If a person is found guilty of an offense under this
18 section, the court may order the dangerous dog destroyed by a
19 person listed in Section 822.003.

20 (d) In addition to criminal prosecution, a person who
21 commits an offense under this section is liable for a civil penalty
22 not to exceed \$10,000. An attorney having civil jurisdiction in
23 the county or an attorney for a municipality where the offense
24 occurred may file suit in a court of competent jurisdiction to
25 collect the penalty. Penalties collected under this subsection
26 shall be retained by the county or municipality.

27 Sec. 822.045. VIOLATIONS. (a) A person who owns or keeps

1 custody or control of a dangerous dog commits an offense if the
2 person fails to comply with Section 822.042.

3 (b) An offense under this section is a Class C misdemeanor.

4 Sec. 822.046. DEFENSE. (a) It is a defense to prosecution
5 under Section 822.044 or Section 822.045 that the person is a
6 veterinarian, a peace officer, a person employed by a recognized
7 animal shelter, or a person employed by the state or a political
8 subdivision of the state to deal with stray animals and has
9 temporary ownership, custody, or control of the dog in connection
10 with that position.

11 (b) It is a defense to prosecution under Section 822.044 or
12 Section 822.045 that the person is an employee of the institutional
13 division of the Texas Department of Criminal Justice or a law
14 enforcement agency and trains or uses dogs for law enforcement or
15 corrections purposes.

16 (c) It is a defense to prosecution under Section 822.044 or
17 Section 822.045 that the person is a dog trainer or an employee of
18 a guard dog company under the Private Investigators and Private
19 Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil
20 Statutes).

21 Sec. 822.047. LOCAL REGULATION OF DANGEROUS DOGS. A county
22 or municipality may place additional requirements or restrictions
23 on dangerous dogs if the requirements or restrictions:

24 (1) are not specific to one breed or several breeds of
25 dogs; and

26 (2) are more stringent than restrictions provided by
27 this subchapter.

1 SECTION 2. Section 42.12, Penal Code, is repealed.

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3 repealed.

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5 Code, does not apply to an offense committed under that section
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7 before the effective date of the repeal is covered by the law in
8 effect when the offense was committed, and the former law is
9 continued in effect for this purpose.

10 SECTION 5. This Act takes effect September 1, 1991.

11 SECTION 6. The importance of this legislation and the
12 crowded condition of the calendars in both houses create an
13 emergency and an imperative public necessity that the
14 constitutional rule requiring bills to be read on three several
15 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

4-24-91
(date)

Sir:

We, your COMMITTEE ON COUNTY AFFAIRS,
to whom was referred HB 2065 have had the same under consideration and beg to report
(measure)

back with the recommendation that it

- do pass, without amendment.
- do pass, with amendment(s).
- do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. yes no An author's fiscal statement was requested. yes no

A criminal justice policy impact statement was requested. yes no

An equalized educational funding impact statement was requested. yes no

An actuarial analysis was requested. yes no

A water development policy impact statement was requested. yes no

A federal funds impact statement was requested. yes no

The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

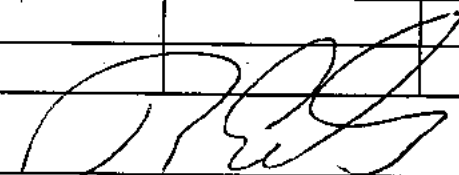
This measure proposes new law. amends existing law.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Eckels, Ch.	✓			
Campbell, V.C.	✓			
Chisum				✓
Jones				✓
Kamel				✓
Linebarger	✓			
Martin	✓			
Rabuck				✓
Rodriguez	✓			
Wentworth				✓
Willy	✓			

Total 6 aye
 0 nay
 0 present, not voting
 5 absent



 CHAIRMAN
Deborah K. McCall

 COMMITTEE COORDINATOR

By Eckels

H.B. 2065

By: Eckels

BACKGROUND

BILL ANALYSIS

Section 42.12 of the Penal Code regulates the keeping of vicious dogs. A dog is considered vicious if the dog has been involved in an attack on a person that resulted in bodily injury; provided, however, that the dog was unprovoked and was not penned up.

An owner of a vicious dog must restrain the animal at all times and have \$100,000 in liability insurance to pay for personal injuries. A violation is a Class B misdemeanor. Article 18.182, Code of Criminal Procedure, provides that a second offense under Section 42.12, Penal Code, (actually the third attack) requires the destruction of the dog.

The Health and Safety Code (Section 822.001) provides for the seizure and destruction of a dog (even if a first attack) that kills a person. There is, however, no criminal penalty against the owner in this situation unless the owner of the dog has a previous conviction under Section 42.12 of the Penal Code.

The decision as to the most effective way to protect the public from dangerous dogs is an issue local officials continue to struggle with. Throughout the nation, local governments have responded in various ways to public outrage following dog attacks. One response has been the passage of breed-specific ordinances aimed at particular breeds of dogs, such as pit bulls.

Local kennel clubs oppose this approach saying that it does not really address the problem if it discriminates against one breed and is not applied equally to all dogs. They further add that these ordinances are unworkable since it is a practical impossibility to precisely define particular breeds of dangerous animals. For example, the most common target is the "pit bull." The American Kennel Club, however, has no such designation. In fact there are a number of terrier-related species which may or may not be included in this definition and which may or may not have vicious tendencies.

Laws similar to the bill described below have been enacted in numerous states including Florida and California. Non-breed specific regulations have been supported by the national association of animal control officials and veterinarians.

PURPOSE

The bill would enhance the regulations in current law which provide for the keeping of a vicious dog; allow more stringent local restrictions; and provide criminal penalties.

Section-By-Section

Sec. 822.041. Definitions. Defines "animal control authority," "dangerous dog," "dog," "secure enclosure," and "owner."

Sec. 822.042. Requirements for Owner of Dangerous Dog. (a) Requires the registration of a dangerous dog with the local animal control authority within 30 days after the owner learns the dog is dangerous; requires the restraint of a dangerous dog at all times on a leash or in a secure enclosure; requires an owner to obtain \$100,000 in liability insurance or show financial responsibility. (b) Provides that an owner learns a dog is dangerous when: (1) the owner knows of an attack described in Sec. 822.041 (2)(A); or (2) when the owner is informed by the animal control authority that the dog is dangerous. (c) Allows the authority to investigate complaints to determine if a dog is dangerous and requires notification of the owner. (d) Allows judicial appeal of a determination by an animal control authority within 30 days.

Sec. 822.043. Registration. (a) Requires the local animal control authority to annually register a dangerous dog if the owner shows proof of liability insurance or financial responsibility, current rabies vaccination, and a secure enclosure in which the dog will be kept; provides a \$50 registration fee. (b) Requires the animal control authority to provide a registration tag; requires the tag worn on the animal's collar. (c) Requires the owner to report to the animal control authority within 14 days if a registered dog is sold or moved. Provides a \$25 fee for a new tag. (d) Requires an owner to report an attack by a registered dangerous dog.

Sec. 822.044. Attack by Dangerous Dog. (a) Provides that the owner commits an offense if the person's registered dangerous dog attacks and causes bodily injury to a person. (b) Provides that an offense is a Class C misdemeanor. (c) Upon conviction, allows the court to order the dog destroyed by a person listed in Sec. 822.003. (d) Allows for a civil penalty up to \$10,000 in addition to criminal prosecution; allows a county or municipal attorney to file suit to collect the penalty.

Sec. 822.045. Violations. (a) Provides an offense for failure to comply with Sec. 822.042. (b) Provides that an offense is a Class C misdemeanor.

Sec. 822.046. Defense. (a) Provides a defense to prosecution under Sec. 822.044 or Sec. 822.045 that a person is a veterinarian, peace officer, animal shelter employee, or public animal control employee with temporary custody of the dog. (b) Provides a defense to prosecution under Sec. 822.044 or Sec. 822.045 that the person is employed by the Texas Department of Criminal Justice or a law enforcement agency and trains or uses dogs for law enforcement or correction purposes. (c) Provides a defense to prosecution under Sec. 822.044 or Sec. 822.045 for a dog trainer or an employee of a guard dog company under the Private Investigators Act.

Sec. 822.047. Local Regulation of Dangerous Dogs. Allows counties or cities to provide additional restrictions provided they are more stringent and are not specific to one breed or several particular breeds of dog.

SECTION 2. Repeals Section 42.12, Penal Code.

SECTION 3. Repeals Article 18.182, Code of Criminal Procedure.

SECTION 4. Provides that an offense committed prior to the effective date of this act is covered by the law in effect at that time.

SECTION 5. Provides an effective date of September 1, 1991.

SECTION 6. Emergency clause.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 2065 changes "vicious dog" to "dangerous dog" throughout the bill. Deletes all references to attacks on other animals. Adds a definition of "animal control authority." Changes the definition of "dangerous dog" and

"dog." Adds a definition of "secure enclosure" and "owner." Deletes the definition of "unprovoked."

Reduces the grace period for compliance from 60 days to 30 days. Reduces the period allowed for reporting a move or sale from 30 days to 14 days. Allows proof of financial responsibility in lieu of liability insurance.

Allows local animal control authorities to determine if a dog is dangerous. Requires notification of an owner. Allows a judicial appeal. Clarifies registration is required annually. Increases the registration fee.

Redesigns the scheme of penalties imposed on the owner of a dog which attacks a person. Adds two additional defenses to prosecution: (1) for law enforcement or corrections personnel; and (2) guard dog companies and trainers.

SUMMARY OF COMMITTEE ACTION

Pursuant to a notice posted in accordance with the House rules, the full committee met in a public hearing on April 3, 1991, and heard testimony on HB 2065. The Chair left HB 2065 pending before the Committee.

On April 24, 1991, the full committee met in a public hearing and took up as pending business HB 2065. The full committee voted to report HB 2065 back to the House, as substituted, with the recommendation that it do pass and be sent to the Committee on Local and Consent Calendars. The record vote was as follows: Aye 6, PN 0; Nay 0; Absent 5.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

April 1, 1991

TO: Honorable Robert Eckels, Chair
Committee on County Affairs
House of Representatives
Austin, Texas

IN RE: House Bill No. 2065
By: Eckels

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 2065 (relating to the keeping of vicious dogs; providing penalties) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: LBB Staff: JO, JWH, DF, PA

ADOPTED *as amended*

MAY 10 1991

Betty Murray
Chief Clerk
House of Representatives

By Eckels

H.B. No. 2065

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By 

C.S.H.B. No. 2065

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(A) makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or

(B) commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

(3) "Dog" means a domesticated animal that is a member of the canine family.

(4) "Secure enclosure" means a fenced area or

1 structure that is:

2 (A) locked;

3 (B) capable of preventing the entry of the
4 general public, including children;

5 (C) capable of preventing the escape or release
6 of a dog;

7 (D) clearly marked as containing a dangerous
8 dog; and

9 (E) in conformance with the requirements for
10 enclosures established by the local animal control authority.

11 (5) "Owner" means a person who owns or has custody or
12 control of the dog.

13 Sec. 822.042. REQUIREMENTS FOR OWNER OF DANGEROUS DOG. (a)

14 Not later than the 30th day after a person learns that the person
15 is the owner of a dangerous dog, the person shall:

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

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

20 (3) obtain liability insurance coverage or show
21 financial responsibility in an amount of at least \$100,000 to cover
22 damages resulting from an attack by the dangerous dog causing
23 bodily injury to a person.

24 (b) For purposes of this section, a person learns that the
25 person is the owner of a dangerous dog when:

26 (1) the owner knows of an attack described in Section
27 822.041(2)(A); or

1 (2) the owner is informed by the animal control
2 authority that the dog is a dangerous dog.

3 (c) If a person reports an incident described by Section
4 822.041(2), the animal control authority may investigate the
5 incident. If, after receiving the sworn statements of any
6 witnesses, the animal control authority determines the dog is a
7 dangerous dog, it shall notify the owner of that fact.

8 (d) An owner, not later than the 30th day after the date the
9 owner is notified that a dog owned by the owner is a dangerous dog,
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17 (1) presents proof of:

18 (A) liability insurance or financial
19 responsibility, as required by Section 822.042;

20 (B) current rabies vaccination of the dangerous
21 dog; and

22 (C) the secure enclosure in which the dangerous
23 dog will be kept; and

24 (2) pays an annual registration fee of \$50.

25 (b) The animal control authority shall provide to the owner
26 registering a dangerous dog a registration tag. The owner must
27 place the tag on the dog's collar.

1 (c) If an owner of a registered dangerous dog sells or moves
2 the dog to a new address, the owner, not later than the 14th day
3 after the date of the sale or move, shall notify the animal control
4 authority for the area in which the new address is located. On
5 presentation by the current owner of the dangerous dog's prior
6 registration tag and payment of a fee of \$25, the animal control
7 authority shall issue a new registration tag to be placed on the
8 dangerous dog's collar.

9 (d) An owner of a registered dangerous dog shall notify the
10 office in which the dangerous dog was registered of any attacks the
11 dangerous dog makes on people.

12 Sec. 822.044. ATTACK BY DANGEROUS DOG. (a) A person
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14 and the dog makes an unprovoked attack on another person outside
15 the dog's enclosure and causes bodily injury to the other person.

16 (b) An offense under this section is a Class C misdemeanor.

17 (c) If a person is found guilty of an offense under this
18 section, the court may order the dangerous dog destroyed by a
19 person listed in Section 822.003.

20 (d) In addition to criminal prosecution, a person who
21 commits an offense under this section is liable for a civil penalty
22 not to exceed \$10,000. An attorney having civil jurisdiction in
23 the county or an attorney for a municipality where the offense
24 occurred may file suit in a court of competent jurisdiction to
25 collect the penalty. Penalties collected under this subsection
26 shall be retained by the county or municipality.

27 Sec. 822.045. VIOLATIONS. (a) A person who owns or keeps

1 custody or control of a dangerous dog commits an offense if the
2 person fails to comply with Section 822.042.

3 (b) An offense under this section is a Class C misdemeanor.

4 Sec. 822.046. DEFENSE. (a) It is a defense to prosecution
5 under Section 822.044 or Section 822.045 that the person is a
6 veterinarian, a peace officer, a person employed by a recognized
7 animal shelter, or a person employed by the state or a political
8 subdivision of the state to deal with stray animals and has
9 temporary ownership, custody, or control of the dog in connection
10 with that position.

11 (b) It is a defense to prosecution under Section 822.044 or
12 Section 822.045 that the person is an employee of the institutional
13 division of the Texas Department of Criminal Justice or a law
14 enforcement agency and trains or uses dogs for law enforcement or
15 corrections purposes.

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17 Section 822.045 that the person is a dog trainer or an employee of
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19 Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil
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26 (2) are more stringent than restrictions provided by
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6 before the effective date of the repeal. An offense committed
7 before the effective date of the repeal is covered by the law in
8 effect when the offense was committed, and the former law is
9 continued in effect for this purpose.

10 SECTION 5. This Act takes effect September 1, 1991.

11 SECTION 6. The importance of this legislation and the
12 crowded condition of the calendars in both houses create an
13 emergency and an imperative public necessity that the
14 constitutional rule requiring bills to be read on three several
15 days in each house be suspended, and this rule is hereby suspended.

AMENDMENT NO. ①

BY

Conley

Amend C.S.H.B. No. 2065 on page 4, line 16, between

"misdemeanor" and the period, by inserting

(INSERT A))

, unless

the attack causes serious bodily injury or death, in which event the

offense is a Class A misdemeanor

ADOPTED

MAY 19 1997

Betty Manning
Chief Clerk
House of Representatives

K. Conley

ADOPTED

MAY 10 1991

Buddy Murray
Chief Clerk
House of Representatives

FLOOR AMENDMENT NO.

2

BY

[Signature]

1 Amend C.S.H.B. 2065 as follows;
2 Sec. 822.047. LOCAL REGULATION OF DANGEROUS DOGS. (Add
3 Section 3.) *INSERT (B)*
4 ~~P (A)~~ the restrictions of this section do not apply to
5 municipal ordinances adopted prior to May 1, 1991.

HOUSE ENGROSSMENT

By Eckels, et al.

H.B. No. 2065

A BILL TO BE ENTITLED

AN ACT

relating to the keeping of dangerous dogs; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 822, Health and Safety Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. DANGEROUS DOGS

Sec. 822.041. DEFINITIONS. In this subchapter:

(1) "Animal control authority" means a municipal or county animal control office with authority over the area where the dog is kept or a county sheriff in an area with no animal control office.

(2) "Dangerous dog" means a dog that:

(A) makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or

(B) commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

(3) "Dog" means a domesticated animal that is a member of the canine family.

(4) "Secure enclosure" means a fenced area or

1 structure that is:

2 (A) locked;

3 (B) capable of preventing the entry of the
4 general public, including children;

5 (C) capable of preventing the escape or release
6 of a dog;

7 (D) clearly marked as containing a dangerous
8 dog; and

9 (E) in conformance with the requirements for
10 enclosures established by the local animal control authority.

11 (5) "Owner" means a person who owns or has custody or
12 control of the dog.

13 Sec. 822.042. REQUIREMENTS FOR OWNER OF DANGEROUS DOG. (a)
14 Not later than the 30th day after a person learns that the person
15 is the owner of a dangerous dog, the person shall:

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

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

20 (3) obtain liability insurance coverage or show
21 financial responsibility in an amount of at least \$100,000 to cover
22 damages resulting from an attack by the dangerous dog causing
23 bodily injury to a person.

24 (b) For purposes of this section, a person learns that the
25 person is the owner of a dangerous dog when:

26 (1) the owner knows of an attack described in Section
27 822.041(2)(A); or

1 (2) the owner is informed by the animal control
2 authority that the dog is a dangerous dog.

3 (c) If a person reports an incident described by Section
4 822.041(2), the animal control authority may investigate the
5 incident. If, after receiving the sworn statements of any
6 witnesses, the animal control authority determines the dog is a
7 dangerous dog, it shall notify the owner of that fact.

8 (d) An owner, not later than the 30th day after the date the
9 owner is notified that a dog owned by the owner is a dangerous dog,
10 may appeal the determination of the animal control authority to a
11 justice or municipal court of competent jurisdiction. An owner may
12 appeal the decision of the justice or municipal court in the same
13 manner as appeal for other civil cases.

14 Sec. 822.043. REGISTRATION. (a) An animal control
15 authority for the area in which the dog is kept shall annually
16 register a dangerous dog if the owner:

17 (1) presents proof of:

18 (A) liability insurance or financial
19 responsibility, as required by Section 822.042;

20 (B) current rabies vaccination of the dangerous
21 dog; and

22 (C) the secure enclosure in which the dangerous
23 dog will be kept; and .

24 (2) pays an annual registration fee of \$50.

25 (b) The animal control authority shall provide to the owner
26 registering a dangerous dog a registration tag. The owner must
27 place the tag on the dog's collar.

1 (c) If an owner of a registered dangerous dog sells or moves
2 the dog to a new address, the owner, not later than the 14th day
3 after the date of the sale or move, shall notify the animal control
4 authority for the area in which the new address is located. On
5 presentation by the current owner of the dangerous dog's prior
6 registration tag and payment of a fee of \$25, the animal control
7 authority shall issue a new registration tag to be placed on the
8 dangerous dog's collar.

9 (d) An owner of a registered dangerous dog shall notify the
10 office in which the dangerous dog was registered of any attacks the
11 dangerous dog makes on people.

12 Sec. 822.044. ATTACK BY DANGEROUS DOG. (a) A person
13 commits an offense if the person is the owner of a dangerous dog
14 and the dog makes an unprovoked attack on another person outside
15 the dog's enclosure and causes bodily injury to the other person.

16 (b) An offense under this section is a Class C misdemeanor,
17 unless the attack causes serious bodily injury or death, in which
18 event the offense is a Class A misdemeanor.

19 (c) If a person is found guilty of an offense under this
20 section, the court may order the dangerous dog destroyed by a
21 person listed in Section 822.003.

22 (d) In addition to criminal prosecution, a person who
23 commits an offense under this section is liable for a civil penalty
24 not to exceed \$10,000. An attorney having civil jurisdiction in
25 the county or an attorney for a municipality where the offense
26 occurred may file suit in a court of competent jurisdiction to
27 collect the penalty. Penalties collected under this subsection

1 shall be retained by the county or municipality.

2 Sec. 822.045. VIOLATIONS. (a) A person who owns or keeps
3 custody or control of a dangerous dog commits an offense if the
4 person fails to comply with Section 822.042.

5 (b) An offense under this section is a Class C misdemeanor.

6 Sec. 822.046. DEFENSE. (a) It is a defense to prosecution
7 under Section 822.044 or Section 822.045 that the person is a
8 veterinarian, a peace officer, a person employed by a recognized
9 animal shelter, or a person employed by the state or a political
10 subdivision of the state to deal with stray animals and has
11 temporary ownership, custody, or control of the dog in connection
12 with that position.

13 (b) It is a defense to prosecution under Section 822.044 or
14 Section 822.045 that the person is an employee of the institutional
15 division of the Texas Department of Criminal Justice or a law
16 enforcement agency and trains or uses dogs for law enforcement or
17 corrections purposes.

18 (c) It is a defense to prosecution under Section 822.044 or
19 Section 822.045 that the person is a dog trainer or an employee of
20 a guard dog company under the Private Investigators and Private
21 Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil
22 Statutes).

23 Sec. 822.047. LOCAL REGULATION OF DANGEROUS DOGS. (a) A
24 county or municipality may place additional requirements or
25 restrictions on dangerous dogs if the requirements or restrictions:

26 (1) are not specific to one breed or several breeds of
27 dogs; and

1 (2) are more stringent than restrictions provided by
2 this subchapter.

3 (b) The restrictions of this section do not apply to
4 municipal ordinances adopted prior to May 1, 1991.

5 SECTION 2. Section 42.12, Penal Code, is repealed.

6 SECTION 3. Article 18.182, Code of Criminal Procedure, is
7 repealed.

8 SECTION 4. The repeal by this Act of Section 42.12, Penal
9 Code, does not apply to an offense committed under that section
10 before the effective date of the repeal. An offense committed
11 before the effective date of the repeal is covered by the law in
12 effect when the offense was committed, and the former law is
13 continued in effect for this purpose.

14 SECTION 5. This Act takes effect September 1, 1991.

15 SECTION 6. The importance of this legislation and the
16 crowded condition of the calendars in both houses create an
17 emergency and an imperative public necessity that the
18 constitutional rule requiring bills to be read on three several
19 days in each house be suspended, and this rule is hereby suspended.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

April 1, 1991

TO: Honorable Robert Eckels, Chair
Committee on County Affairs
House of Representatives
Austin, Texas

IN RE: House Bill No. 2065
By: Eckels

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 2065 (relating to the keeping of vicious dogs; providing penalties) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: LBB Staff: JO, JWH, DF, PA

1 By: Eckels, et al. (Senate Sponsor - Ellis) H.B. No. 2065
2 (In the Senate - Received from the House May 13, 1991;
3 May 14, 1991, read first time and referred to Committee on State
4 Affairs; May 20, 1991, reported adversely, with favorable Committee
5 Substitute by the following vote: Yeas 7, Nays 0; May 20, 1991,
6 sent to printer.)

7 COMMITTEE VOTE

	Yea	Nay	PNV	Absent
8 Glasgow				x
9 Henderson				x
10 Carriker	x			
11 Dickson				x
12 Ellis	x			
13 Green	x			
14 Harris of Dallas				x
15 Leedom	x			
16 Lucio				x
17 Lyon	x			
18 Moncrief	x			
19 Rosson	x			
20 Whitmire				x

22 COMMITTEE SUBSTITUTE FOR H.B. No. 2065

By: Ellis

23 A BILL TO BE ENTITLED
24 AN ACT

25 relating to the keeping of dangerous dogs; providing penalties.

26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

27 SECTION 1. Chapter 822, Health and Safety Code, is amended
28 by adding Subchapter D to read as follows:

29 SUBCHAPTER D. DANGEROUS DOGS

30 Sec. 822.041. DEFINITIONS. In this subchapter:

31 (1) "Animal control authority" means a municipal or
32 county animal control office with authority over the area where the
33 dog is kept or a county sheriff in an area with no animal control
34 office.

35 (2) "Dangerous dog" means a dog that:

36 (A) makes an unprovoked attack on a person that
37 causes bodily injury and occurs in a place other than an enclosure
38 in which the dog was being kept and that was reasonably certain to
39 prevent the dog from leaving the enclosure on its own; or

40 (B) commits unprovoked acts in a place other
41 than an enclosure in which the dog was being kept and that was
42 reasonably certain to prevent the dog from leaving the enclosure on
43 its own and those acts cause a person to reasonably believe that
44 the dog will attack and cause bodily injury to that person.

45 (3) "Dog" means a domesticated animal that is a member
46 of the canine family.

47 (4) "Secure enclosure" means a fenced area or
48 structure that is:

49 (A) locked;

50 (B) capable of preventing the entry of the
51 general public, including children;

52 (C) capable of preventing the escape or release
53 of a dog;

54 (D) clearly marked as containing a dangerous
55 dog; and

56 (E) in conformance with the requirements for
57 enclosures established by the local animal control authority.

58 (5) "Owner" means a person who owns or has custody or
59 control of the dog.

60 Sec. 822.042. REQUIREMENTS FOR OWNER OF DANGEROUS DOG.

61 (a) Not later than the 30th day after a person learns that the
62 person is the owner of a dangerous dog, the person shall:

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

65 (2) restrain the dangerous dog at all times on a leash

1 in the immediate control of a person or in a secure enclosure; and
 2 (3) obtain liability insurance coverage or show
 3 financial responsibility in an amount of at least \$100,000 to cover
 4 damages resulting from an attack by the dangerous dog causing
 5 bodily injury to a person.

6 (b) For purposes of this section, a person learns that the
 7 person is the owner of a dangerous dog when:

8 (1) the owner knows of an attack described in Section
 9 822.041(2)(A); or

10 (2) the owner is informed by the animal control
 11 authority that the dog is a dangerous dog.

12 (c) If a person reports an incident described by Section
 13 822.041(2), the animal control authority may investigate the
 14 incident. If, after receiving the sworn statements of any
 15 witnesses, the animal control authority determines the dog is a
 16 dangerous dog, it shall notify the owner of that fact.

17 (d) An owner, not later than the 30th day after the date the
 18 owner is notified that a dog owned by the owner is a dangerous dog,
 19 may appeal the determination of the animal control authority to a
 20 justice or municipal court of competent jurisdiction. An owner may
 21 appeal the decision of the justice or municipal court in the same
 22 manner as appeal for other civil cases.

23 Sec. 822.043. REGISTRATION. (a) An animal control
 24 authority for the area in which the dog is kept shall annually
 25 register a dangerous dog if the owner:

26 (1) presents proof of:

27 (A) liability insurance or financial
 28 responsibility, as required by Section 822.042;

29 (B) current rabies vaccination of the dangerous
 30 dog; and

31 (C) the secure enclosure in which the dangerous
 32 dog will be kept; and

33 (2) pays an annual registration fee of \$50.

34 (b) The animal control authority shall provide to the owner
 35 registering a dangerous dog a registration tag. The owner must
 36 place the tag on the dog's collar.

37 (c) If an owner of a registered dangerous dog sells or moves
 38 the dog to a new address, the owner, not later than the 14th day
 39 after the date of the sale or move, shall notify the animal control
 40 authority for the area in which the new address is located. On
 41 presentation by the current owner of the dangerous dog's prior
 42 registration tag and payment of a fee of \$25, the animal control
 43 authority shall issue a new registration tag to be placed on the
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 46 office in which the dangerous dog was registered of any attacks the
 47 dangerous dog makes on people.

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 49 commits an offense if the person is the owner of a dangerous dog
 50 and the dog makes an unprovoked attack on another person outside
 51 the dog's enclosure and causes bodily injury to the other person.

52 (b) An offense under this section is a Class C misdemeanor,
 53 unless the attack causes serious bodily injury or death, in which
 54 event the offense is a Class A misdemeanor.

55 (c) If a person is found guilty of an offense under this
 56 section, the court may order the dangerous dog destroyed by a
 57 person listed in Section 822.003.

58 (d) In addition to criminal prosecution, a person who
 59 commits an offense under this section is liable for a civil penalty
 60 not to exceed \$10,000. An attorney having civil jurisdiction in
 61 the county or an attorney for a municipality where the offense
 62 occurred may file suit in a court of competent jurisdiction to
 63 collect the penalty. Penalties collected under this subsection
 64 shall be retained by the county or municipality.

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 66 custody or control of a dangerous dog commits an offense if the
 67 person fails to comply with Section 822.042.

68 (b) An offense under this section is a Class C misdemeanor.

69 Sec. 822.046. DEFENSE. (a) It is a defense to prosecution
 70 under Section 822.044 or Section 822.045 that the person is a

1 veterinarian, a peace officer, a person employed by a recognized
2 animal shelter, or a person employed by the state or a political
3 subdivision of the state to deal with stray animals and has
4 temporary ownership, custody, or control of the dog in connection
5 with that position.

6 (b) It is a defense to prosecution under Section 822.044 or
7 Section 822.045 that the person is an employee of the institutional
8 division of the Texas Department of Criminal Justice or a law
9 enforcement agency and trains or uses dogs for law enforcement or
10 corrections purposes.

11 (c) It is a defense to prosecution under Section 822.044 or
12 Section 822.045 that the person is a dog trainer or an employee of
13 a guard dog company under the Private Investigators and Private
14 Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil
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17 or municipality may place additional requirements or restrictions
18 on dangerous dogs if the requirements or restrictions:

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20 dogs; and

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22 this subchapter.

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27 Code, does not apply to an offense committed under that section
28 before the effective date of the repeal. An offense committed
29 before the effective date of the repeal is covered by the law in
30 effect when the offense was committed, and the former law is
31 continued in effect for this purpose.

32 SECTION 5. This Act takes effect September 1, 1991.

33 SECTION 6. The importance of this legislation and the
34 crowded condition of the calendars in both houses create an
35 emergency and an imperative public necessity that the
36 constitutional rule requiring bills to be read on three several
37 days in each house be suspended, and this rule is hereby suspended.

38 * * * * *

39 Austin, Texas
40 May 20, 1991

41 Hon. Bob Bullock
42 President of the Senate

43 Sir:

44 We, your Committee on State Affairs to which was referred H.B. No.
45 2065, have had the same under consideration, and I am instructed to
46 report it back to the Senate with the recommendation that it do not
47 pass, but that the Committee Substitute adopted in lieu thereof do
48 pass and be printed.

49 Glasgow, Chairman

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE

May 16, 1991

**TO: Honorable Bob Glasgow, Chairman
Committee on State Affairs
Senate Chamber
Austin, Texas**

**IN RE: House Bill No. 2065,
as engrossed
By: Eckels**

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 2065, as engrossed (relating to the keeping of vicious dogs; providing penalties) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

Source: LBB Staff: JO, JWH, DF, LC

RECEIVED
MAY 16 1991
SENATE
State Affairs Comm.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

April 1, 1991

TO: Honorable Robert Eckels, Chair
Committee on County Affairs
House of Representatives
Austin, Texas

IN RE: House Bill No. 2065
By: Eckels

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 2065 (relating to the keeping of vicious dogs; providing penalties) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: LBB Staff: JO, JWH, DF, PA

**FAVORABLY AS SUBSTITUTED
SENATE COMMITTEE REPORT ON**

SB SCR SJR SR HB HCR HJR 2065

By Ellis
(Author/Senate Sponsor)

5-20-91
(date of submission to Senate)

Lt. Governor Bob Bullock
President of the Senate

Sir:

We, your Committee on State Affairs, to which was referred the attached measure, have on 5-20-91, had the same under consideration and I am instructed to report it back with the recommendation (s) that it:

- do pass as substituted, and be printed
 - the caption remained the same as original measure
 - the caption changed with adoption of the substitute
- do pass as substituted, and be ordered not printed
- and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. yes no

A revised fiscal note was requested. yes no

An actuarial analysis was requested. yes no

Considered by subcommittee. yes no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Glasgow, Chairman			/	
Henderson, Vice Chairman			/	
Carriker	✓			
Dickson			/	
Ellis	✓			
Green	✓			
Harris, O.H.			/	
Leedom	✓			
Lucio			/	
Lyon	✓			
Moncrief	✓			
Rosson	✓			
Whitmire			/	
TOTAL VOTES	7	0	6	0

COMMITTEE ACTION

S260 Considered in public hearing
S270 Testimony taken

Jesse MacLean
COMMITTEE CLERK

Glasgow
CHAIRMAN

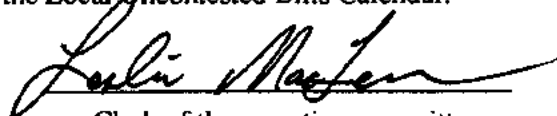
Paper clip the original and one copy of this signed form to the original bill along with TWO copies of the Committee Substitute
Deliver one copy of this form to the Calendar Clerk, Room 218 Capitol
Deliver one copy of this form to the Legislative Reference Library, Room 207B Capitol
Retain one copy of this form for Committee files

**REQUEST FOR LOCAL & UNCONTESTED CALENDAR
PLACEMENT**

Hon. Bill Haley, Chairman
Administration Committee

Sir:

Notice is hereby given that HB 2065, by: Ellis,
(Bill No.) (author)
was heard by the Committee on State Affairs on 5-20 19 91,
and reported out with the recommendation that it be placed on the Local Uncontested Bills Calendar.


Clerk of the reporting committee

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A PRINTED COPY OF THE BILL OR RESOLUTION, WHICH ALONG WITH 14 ADDITIONAL COPIES OF THE BILL OR RESOLUTION SHOULD BE DELIVERED TO ROOM 419. DEADLINE FOR SUBMITTING BILLS FOR THE LOCAL CALENDAR IS 5:00 P.M. FRIDAY.

Paper clip the original to the bill; retain one copy for reporting committee files; deliver one copy to the bill sponsor.

ADOPTED

MAY 23 1991

Betty King
Secretary of the Senate

By Eckels, et al.

H.B. No. 2065

Substitute the following for H.B. No. 2065:

By *Eckels*

C.S.H.B. No. 2065

(C. S. H. B. No. 2065)

A BILL TO BE ENTITLED

AN ACT

relating to the keeping of dangerous dogs; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 822, Health and Safety Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. DANGEROUS DOGS

Sec. 822.041. DEFINITIONS. In this subchapter:

(1) "Animal control authority" means a municipal or county animal control office with authority over the area where the dog is kept or a county sheriff in an area with no animal control office.

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1 structure that is:

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4 general public, including children;

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6 of a dog;

7 (D) clearly marked as containing a dangerous
8 dog; and

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10 enclosures established by the local animal control authority.

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21 financial responsibility in an amount of at least \$100,000 to cover
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25 person is the owner of a dangerous dog when:

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23 dog will be kept; and

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27 place the tag on the dog's collar.

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2 the dog to a new address, the owner, not later than the 14th day
3 after the date of the sale or move, shall notify the animal control
4 authority for the area in which the new address is located. On
5 presentation by the current owner of the dangerous dog's prior
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7 authority shall issue a new registration tag to be placed on the
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15 the dog's enclosure and causes bodily injury to the other person.

16 (b) An offense under this section is a Class C misdemeanor,
17 unless the attack causes serious bodily injury or death, in which
18 event the offense is a Class A misdemeanor.

19 (c) If a person is found guilty of an offense under this
20 section, the court may order the dangerous dog destroyed by a
21 person listed in Section 822.003.

22 (d) In addition to criminal prosecution, a person who
23 commits an offense under this section is liable for a civil penalty
24 not to exceed \$10,000. An attorney having civil jurisdiction in
25 the county or an attorney for a municipality where the offense
26 occurred may file suit in a court of competent jurisdiction to
27 collect the penalty. Penalties collected under this subsection

1 shall be retained by the county or municipality.

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9 animal shelter, or a person employed by the state or a political
10 subdivision of the state to deal with stray animals and has
11 temporary ownership, custody, or control of the dog in connection
12 with that position.

13 (b) It is a defense to prosecution under Section 822.044 or
14 Section 822.045 that the person is an employee of the institutional
15 division of the Texas Department of Criminal Justice or a law
16 enforcement agency and trains or uses dogs for law enforcement or
17 corrections purposes.

18 (c) It is a defense to prosecution under Section 822.044 or
19 Section 822.045 that the person is a dog trainer or an employee of
20 a guard dog company under the Private Investigators and Private
21 Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil
22 Statutes).

23 Sec. 822.047. LOCAL REGULATION OF DANGEROUS DOGS. A county
24 or municipality may place additional requirements or restrictions
25 on dangerous dogs if the requirements or restrictions:

26 (1) are not specific to one breed or several breeds of
27 dogs; and

1 (2) are more stringent than restrictions provided by
2 this subchapter.

3 SECTION 2. Section 42.12, Penal Code, is repealed.

4 SECTION 3. Article 18.182, Code of Criminal Procedure, is
5 repealed.

6 SECTION 4. The repeal by this Act of Section 42.12, Penal
7 Code, does not apply to an offense committed under that section
8 before the effective date of the repeal. An offense committed
9 before the effective date of the repeal is covered by the law in
10 effect when the offense was committed, and the former law is
11 continued in effect for this purpose.

12 SECTION 5. This Act takes effect September 1, 1991.

13 SECTION 6. The importance of this legislation and the
14 crowded condition of the calendars in both houses create an
15 emergency and an imperative public necessity that the
16 constitutional rule requiring bills to be read on three several
17 days in each house be suspended, and this rule is hereby suspended.

SENATE AMENDMENTS MAY 23 PM 9:12
2nd Printing HOUSE OF REPRESENTATIVES

By Eckels, et al.

H.B. No. 2065

A BILL TO BE ENTITLED

AN ACT

relating to the keeping of dangerous dogs; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 822, Health and Safety Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. DANGEROUS DOGS

Sec. 822.041. DEFINITIONS. In this subchapter:

(1) "Animal control authority" means a municipal or county animal control office with authority over the area where the dog is kept or a county sheriff in an area with no animal control office.

(2) "Dangerous dog" means a dog that:

(A) makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or

(B) commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

(3) "Dog" means a domesticated animal that is a member of the canine family.

(4) "Secure enclosure" means a fenced area or

1 structure that is:

2 (A) locked;

3 (B) capable of preventing the entry of the
4 general public, including children;

5 (C) capable of preventing the escape or release
6 of a dog;

7 (D) clearly marked as containing a dangerous
8 dog; and

9 (E) in conformance with the requirements for
10 enclosures established by the local animal control authority.

11 (5) "Owner" means a person who owns or has custody or
12 control of the dog.

13 Sec. 822.042. REQUIREMENTS FOR OWNER OF DANGEROUS DOG. (a)
14 Not later than the 30th day after a person learns that the person
15 is the owner of a dangerous dog, the person shall:

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

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

20 (3) obtain liability insurance coverage or show
21 financial responsibility in an amount of at least \$100,000 to cover
22 damages resulting from an attack by the dangerous dog causing
23 bodily injury to a person.

24 (b) For purposes of this section, a person learns that the
25 person is the owner of a dangerous dog when:

26 (1) the owner knows of an attack described in Section
27 822.041(2)(A); or

1 (2) the owner is informed by the animal control
2 authority that the dog is a dangerous dog.

3 (c) If a person reports an incident described by Section
4 822.041(2), the animal control authority may investigate the
5 incident. If, after receiving the sworn statements of any
6 witnesses, the animal control authority determines the dog is a
7 dangerous dog, it shall notify the owner of that fact.

8 (d) An owner, not later than the 30th day after the date the
9 owner is notified that a dog owned by the owner is a dangerous dog,
10 may appeal the determination of the animal control authority to a
11 justice or municipal court of competent jurisdiction. An owner may
12 appeal the decision of the justice or municipal court in the same
13 manner as appeal for other civil cases.

14 Sec. 822.043. REGISTRATION. (a) An animal control
15 authority for the area in which the dog is kept shall annually
16 register a dangerous dog if the owner:

17 (1) presents proof of:

18 (A) liability insurance or financial
19 responsibility, as required by Section 822.042;

20 (B) current rabies vaccination of the dangerous
21 dog; and

22 (C) the secure enclosure in which the dangerous
23 dog will be kept; and

24 (2) pays an annual registration fee of \$50.

25 (b) The animal control authority shall provide to the owner
26 registering a dangerous dog a registration tag. The owner must
27 place the tag on the dog's collar.

1 (c) If an owner of a registered dangerous dog sells or moves
2 the dog to a new address, the owner, not later than the 14th day
3 after the date of the sale or move, shall notify the animal control
4 authority for the area in which the new address is located. On
5 presentation by the current owner of the dangerous dog's prior
6 registration tag and payment of a fee of \$25, the animal control
7 authority shall issue a new registration tag to be placed on the
8 dangerous dog's collar.

9 (d) An owner of a registered dangerous dog shall notify the
10 office in which the dangerous dog was registered of any attacks the
11 dangerous dog makes on people.

12 Sec. 822.044. ATTACK BY DANGEROUS DOG. (a) A person
13 commits an offense if the person is the owner of a dangerous dog
14 and the dog makes an unprovoked attack on another person outside
15 the dog's enclosure and causes bodily injury to the other person.

16 (b) An offense under this section is a Class C misdemeanor,
17 unless the attack causes serious bodily injury or death, in which
18 event the offense is a Class A misdemeanor.

19 (c) If a person is found guilty of an offense under this
20 section, the court may order the dangerous dog destroyed by a
21 person listed in Section 822.003.

22 (d) In addition to criminal prosecution, a person who
23 commits an offense under this section is liable for a civil penalty
24 not to exceed \$10,000. An attorney having civil jurisdiction in
25 the county or an attorney for a municipality where the offense
26 occurred may file suit in a court of competent jurisdiction to
27 collect the penalty. Penalties collected under this subsection

1 shall be retained by the county or municipality.

2 Sec. 822.045. VIOLATIONS. (a) A person who owns or keeps
3 custody or control of a dangerous dog commits an offense if the
4 person fails to comply with Section 822.042.

5 (b) An offense under this section is a Class C misdemeanor.

6 Sec. 822.046. DEFENSE. (a) It is a defense to prosecution
7 under Section 822.044 or Section 822.045 that the person is a
8 veterinarian, a peace officer, a person employed by a recognized
9 animal shelter, or a person employed by the state or a political
10 subdivision of the state to deal with stray animals and has
11 temporary ownership, custody, or control of the dog in connection
12 with that position.

13 (b) It is a defense to prosecution under Section 822.044 or
14 Section 822.045 that the person is an employee of the institutional
15 division of the Texas Department of Criminal Justice or a law
16 enforcement agency and trains or uses dogs for law enforcement or
17 corrections purposes.

18 (c) It is a defense to prosecution under Section 822.044 or
19 Section 822.045 that the person is a dog trainer or an employee of
20 a guard dog company under the Private Investigators and Private
21 Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil
22 Statutes).

23 Sec. 822.047. LOCAL REGULATION OF DANGEROUS DOGS. (a) A
24 county or municipality may place additional requirements or
25 restrictions on dangerous dogs if the requirements or restrictions:

26 (1) are not specific to one breed or several breeds of
27 dogs; and

1 (2) are more stringent than restrictions provided by
2 this subchapter.

3 (b) The restrictions of this section do not apply to
4 municipal ordinances adopted prior to May 1, 1991.

5 SECTION 2. Section 42.12, Penal Code, is repealed.

6 SECTION 3. Article 18.182, Code of Criminal Procedure, is
7 repealed.

8 SECTION 4. The repeal by this Act of Section 42.12, Penal
9 Code, does not apply to an offense committed under that section
10 before the effective date of the repeal. An offense committed
11 before the effective date of the repeal is covered by the law in
12 effect when the offense was committed, and the former law is
13 continued in effect for this purpose.

14 SECTION 5. This Act takes effect September 1, 1991.

15 SECTION 6. The importance of this legislation and the
16 crowded condition of the calendars in both houses create an
17 emergency and an imperative public necessity that the
18 constitutional rule requiring bills to be read on three several
19 days in each house be suspended, and this rule is hereby suspended.

By Eckels, et al.

H.B. No. 2065

SENATE AMENDMENT NO. 1

By Ellis

C.S.H.B. No. 2065

A BILL TO BE ENTITLED

AN ACT

relating to the keeping of dangerous dogs; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 822, Health and Safety Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. DANGEROUS DOGS

Sec. 822.041. DEFINITIONS. In this subchapter:

(1) "Animal control authority" means a municipal or county animal control office with authority over the area where the dog is kept or a county sheriff in an area with no animal control office.

(2) "Dangerous dog" means a dog that:

(A) makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or

(B) commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

(3) "Dog" means a domesticated animal that is a member of the canine family.

(4) "Secure enclosure" means a fenced area or

1 structure that is:

2 (A) locked;

3 (B) capable of preventing the entry of the
4 general public, including children;

5 (C) capable of preventing the escape or release
6 of a dog;

7 (D) clearly marked as containing a dangerous
8 dog; and

9 (E) in conformance with the requirements for
10 enclosures established by the local animal control authority.

11 (5) "Owner" means a person who owns or has custody or
12 control of the dog.

13 Sec. 822.042. REQUIREMENTS FOR OWNER OF DANGEROUS DOG.

14 (a) Not later than the 30th day after a person learns that the
15 person is the owner of a dangerous dog, the person shall:

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

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

20 (3) obtain liability insurance coverage or show
21 financial responsibility in an amount of at least \$100,000 to cover
22 damages resulting from an attack by the dangerous dog causing
23 bodily injury to a person.

24 (b) For purposes of this section, a person learns that the
25 person is the owner of a dangerous dog when:

26 (1) the owner knows of an attack described in Section
27 822.041(2)(A); or

1 (2) the owner is informed by the animal control
2 authority that the dog is a dangerous dog.

3 (c) If a person reports an incident described by Section
4 822.041(2), the animal control authority may investigate the
5 incident. If, after receiving the sworn statements of any
6 witnesses, the animal control authority determines the dog is a
7 dangerous dog, it shall notify the owner of that fact.

8 (d) An owner, not later than the 30th day after the date the
9 owner is notified that a dog owned by the owner is a dangerous dog,
10 may appeal the determination of the animal control authority to a
11 justice or municipal court of competent jurisdiction. An owner may
12 appeal the decision of the justice or municipal court in the same
13 manner as appeal for other civil cases.

14 Sec. 822.043. REGISTRATION. (a) An animal control
15 authority for the area in which the dog is kept shall annually
16 register a dangerous dog if the owner:

17 (1) presents proof of:

18 (A) liability insurance or financial
19 responsibility, as required by Section 822.042;

20 (B) current rabies vaccination of the dangerous
21 dog; and

22 (C) the secure enclosure in which the dangerous
23 dog will be kept; and

24 (2) pays an annual registration fee of \$50.

25 (b) The animal control authority shall provide to the owner
26 registering a dangerous dog a registration tag. The owner must
27 place the tag on the dog's collar.

1 (c) If an owner of a registered dangerous dog sells or moves
2 the dog to a new address, the owner, not later than the 14th day
3 after the date of the sale or move, shall notify the animal control
4 authority for the area in which the new address is located. On
5 presentation by the current owner of the dangerous dog's prior
6 registration tag and payment of a fee of \$25, the animal control
7 authority shall issue a new registration tag to be placed on the
8 dangerous dog's collar.

9 (d) An owner of a registered dangerous dog shall notify the
10 office in which the dangerous dog was registered of any attacks the
11 dangerous dog makes on people.

12 Sec. 822.044. ATTACK BY DANGEROUS DOG. (a) A person
13 commits an offense if the person is the owner of a dangerous dog
14 and the dog makes an unprovoked attack on another person outside
15 the dog's enclosure and causes bodily injury to the other person.

16 (b) An offense under this section is a Class C misdemeanor,
17 unless the attack causes serious bodily injury or death, in which
18 event the offense is a Class A misdemeanor.

19 (c) If a person is found guilty of an offense under this
20 section, the court may order the dangerous dog destroyed by a
21 person listed in Section 822.003.

22 (d) In addition to criminal prosecution, a person who
23 commits an offense under this section is liable for a civil penalty
24 not to exceed \$10,000. An attorney having civil jurisdiction in
25 the county or an attorney for a municipality where the offense
26 occurred may file suit in a court of competent jurisdiction to
27 collect the penalty. Penalties collected under this subsection

1 shall be retained by the county or municipality.

2 Sec. 822.045. VIOLATIONS. (a) A person who owns or keeps
3 custody or control of a dangerous dog commits an offense if the
4 person fails to comply with Section 822.042.

5 (b) An offense under this section is a Class C misdemeanor.

6 Sec. 822.046. DEFENSE. (a) It is a defense to prosecution
7 under Section 822.044 or Section 822.045 that the person is a
8 veterinarian, a peace officer, a person employed by a recognized
9 animal shelter, or a person employed by the state or a political
10 subdivision of the state to deal with stray animals and has
11 temporary ownership, custody, or control of the dog in connection
12 with that position.

13 (b) It is a defense to prosecution under Section 822.044 or
14 Section 822.045 that the person is an employee of the institutional
15 division of the Texas Department of Criminal Justice or a law
16 enforcement agency and trains or uses dogs for law enforcement or
17 corrections purposes.

18 (c) It is a defense to prosecution under Section 822.044 or
19 Section 822.045 that the person is a dog trainer or an employee of
20 a guard dog company under the Private Investigators and Private
21 Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil
22 Statutes).

23 Sec. 822.047. LOCAL REGULATION OF DANGEROUS DOGS. A county
24 or municipality may place additional requirements or restrictions
25 on dangerous dogs if the requirements or restrictions:

26 (1) are not specific to one breed or several breeds of
27 dogs; and

1 (2) are more stringent than restrictions provided by
2 this subchapter.

3 SECTION 2. Section 42.12, Penal Code, is repealed.

4 SECTION 3. Article 18.182, Code of Criminal Procedure, is
5 repealed.

6 SECTION 4. The repeal by this Act of Section 42.12, Penal
7 Code, does not apply to an offense committed under that section
8 before the effective date of the repeal. An offense committed
9 before the effective date of the repeal is covered by the law in
10 effect when the offense was committed, and the former law is
11 continued in effect for this purpose.

12 SECTION 5. This Act takes effect September 1, 1991.

13 SECTION 6. The importance of this legislation and the
14 crowded condition of the calendars in both houses create an
15 emergency and an imperative public necessity that the
16 constitutional rule requiring bills to be read on three several
17 days in each house be suspended, and this rule is hereby suspended.

18 72R9442 E

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE

May 16, 1991

TO: Honorable Bob Glasgow, Chairman IN RE: House Bill No. 2065,
Committee on State Affairs as engrossed
Senate Chamber By: Eckels
Austin, Texas

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 2065, as engrossed (relating to the keeping of vicious dogs; providing penalties) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

Source: LBB Staff: JO, JWH, DF, LC

RECEIVED
MAY 16 1991
SENATE
State Affairs Comm.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

April 1, 1991

TO: Honorable Robert Eckels, Chair
Committee on County Affairs
House of Representatives
Austin, Texas

IN RE: House Bill No. 2065
By: Eckels

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 2065 (relating to the keeping of vicious dogs; providing penalties) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: LBB Staff: JO, JWH, DF, PA

F
ENROLLED

H.B. No. 2065

1 AN ACT

2 relating to the keeping of dangerous dogs; providing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Chapter 822, Health and Safety Code, is amended
5 by adding Subchapter D to read as follows:

6 SUBCHAPTER D. DANGEROUS DOGS

7 Sec. 822.041. DEFINITIONS. In this subchapter:

8 (1) "Animal control authority" means a municipal or
9 county animal control office with authority over the area where the
10 dog is kept or a county sheriff in an area with no animal control
11 office.

12 (2) "Dangerous dog" means a dog that:

13 (A) makes an unprovoked attack on a person that
14 causes bodily injury and occurs in a place other than an enclosure
15 in which the dog was being kept and that was reasonably certain to
16 prevent the dog from leaving the enclosure on its own; or

17 (B) commits unprovoked acts in a place other
18 than an enclosure in which the dog was being kept and that was
19 reasonably certain to prevent the dog from leaving the enclosure on
20 its own and those acts cause a person to reasonably believe that
21 the dog will attack and cause bodily injury to that person.

22 (3) "Dog" means a domesticated animal that is a member
23 of the canine family.

24 (4) "Secure enclosure" means a fenced area or

1 structure that is:

2 (A) locked;

3 (B) capable of preventing the entry of the
4 general public, including children;

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6 of a dog;

7 (D) clearly marked as containing a dangerous
8 dog; and

9 (E) in conformance with the requirements for
10 enclosures established by the local animal control authority.

11 (5) "Owner" means a person who owns or has custody or
12 control of the dog.

13 Sec. 822.042. REQUIREMENTS FOR OWNER OF DANGEROUS DOG. (a)
14 Not later than the 30th day after a person learns that the person
15 is the owner of a dangerous dog, the person shall:

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

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19 in the immediate control of a person or in a secure enclosure; and

20 (3) obtain liability insurance coverage or show
21 financial responsibility in an amount of at least \$100,000 to cover
22 damages resulting from an attack by the dangerous dog causing
23 bodily injury to a person.

24 (b) For purposes of this section, a person learns that the
25 person is the owner of a dangerous dog when:

26 (1) the owner knows of an attack described in Section
27 822.041(2)(A); or

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2 authority that the dog is a dangerous dog.

3 (c) If a person reports an incident described by Section
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5 incident. If, after receiving the sworn statements of any
6 witnesses, the animal control authority determines the dog is a
7 dangerous dog, it shall notify the owner of that fact.

8 (d) An owner, not later than the 30th day after the date the
9 owner is notified that a dog owned by the owner is a dangerous dog,
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11 justice or municipal court of competent jurisdiction. An owner may
12 appeal the decision of the justice or municipal court in the same
13 manner as appeal for other civil cases.

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19 responsibility, as required by Section 822.042;

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21 dog; and

22 (C) the secure enclosure in which the dangerous
23 dog will be kept; and

24 (2) pays an annual registration fee of \$50.

25 (b) The animal control authority shall provide to the owner
26 registering a dangerous dog a registration tag. The owner must
27 place the tag on the dog's collar.

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2 the dog to a new address, the owner, not later than the 14th day
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4 authority for the area in which the new address is located. On
5 presentation by the current owner of the dangerous dog's prior
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7 authority shall issue a new registration tag to be placed on the
8 dangerous dog's collar.

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11 dangerous dog makes on people.

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15 the dog's enclosure and causes bodily injury to the other person.

16 (b) An offense under this section is a Class C misdemeanor,
17 unless the attack causes serious bodily injury or death, in which
18 event the offense is a Class A misdemeanor.

19 (c) If a person is found guilty of an offense under this
20 section, the court may order the dangerous dog destroyed by a
21 person listed in Section 822.003.

22 (d) In addition to criminal prosecution, a person who
23 commits an offense under this section is liable for a civil penalty
24 not to exceed \$10,000. An attorney having civil jurisdiction in
25 the county or an attorney for a municipality where the offense
26 occurred may file suit in a court of competent jurisdiction to
27 collect the penalty. Penalties collected under this subsection

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15 division of the Texas Department of Criminal Justice or a law
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19 Section 822.045 that the person is a dog trainer or an employee of
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3 SECTION 2. Section 42.12, Penal Code, is repealed.

4 SECTION 3. Article 18.182, Code of Criminal Procedure, is
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9 before the effective date of the repeal is covered by the law in
10 effect when the offense was committed, and the former law is
11 continued in effect for this purpose.

12 SECTION 5. This Act takes effect September 1, 1991.

13 SECTION 6. The importance of this legislation and the
14 crowded condition of the calendars in both houses create an
15 emergency and an imperative public necessity that the
16 constitutional rule requiring bills to be read on three several
17 days in each house be suspended, and this rule is hereby suspended.

President of the Senate

Speaker of the House

I certify that H.B. No. 2065 was passed by the House on May 10, 1991, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 2065 on May 27, 1991, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 2065 was passed by the Senate, with amendments, on May 23, 1991, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

President of the Senate

Speaker of the House

I certify that H.B. No. 2065⁽¹⁾ was passed by the House on

MAY 10⁽²⁾, 1991, by a non-record vote;

and that the House concurred in Senate amendments to H.B. No. 2065⁽¹⁾
on MAY 27⁽³⁾, 1991, by a non-record vote.

Chief Clerk of the House

**** Preparation: CT64;

I certify that H.B. No. 2065⁽¹⁾ was passed by the Senate, with
amendments, on MAY 23⁽²⁾, 1991, by the

following vote: Yeas 31⁽³⁾, Nays 0⁽⁴⁾

Secretary of the Senate

APPROVED:

Date

Governor

**** Preparation: CT14;

By ELL
H. B. No. _____

No. 2065
By _____

A BILL TO BE ENTITLED
AN ACT

relating to the keeping of vicious dogs; providing penalties.

MAR 7 1991

1. Filed with the Chief Clerk.

MAR 21 1991

2. Read first time and Referred to Committee on
COUNTY AFFAIRS

APR 24 1991

3. Reported favorably (as amended) and sent to Printer at 8:40 am
(as substituted)

MAY 6 1991

4. Printed and distributed at 4:03 pm

MAY 7 1991

5. Sent to Committee on Calendars at 8:31 am
LTC

MAY 10 1991

6. Read second time as subs. (amended), passed to third reading (failed) by (Non-Record Vote)
(Record Vote of _____ yeas, _____ nays, _____ present, not voting).

7. Motion to reconsider and table the vote by which H.B. _____ was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ yeas, _____ nays, and _____ present, not voting.

MAY 10 1991

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. _____ was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

MAY 10 1991

12. Ordered Engrossed at 12:19 pm

MAY 11 1991

13. Engrossed.

MAY 11 1991

14. Returned to Chief Clerk at 2:51 am

MAY 13 1991

15. Sent to Senate.

Betty Murray
Chief Clerk of the House

MAY 13 1991

16. Received from the House

MAY 14 1991

17. Read, referred to Committee on State affairs

18. Reported favorably

MAY 20 1991

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

21. Regular order of business suspended by _____
(a viva voce vote.)
(_____ yeas, _____ nays.)

91 MAY 11 AM 2:51

HOUSE OF REPRESENTATIVES

Handwritten notes on the right margin, including a large 'S' and 'A' at the top, and '2065' at the bottom.

 22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of yeas, nays.

'MAY 23 1991' Read before Senate
23. Read second time passed to third reading by:
(a viva voce vote.)
 yeas, nays.)

 24. Caption ordered amended to conform to body of bill.

'MAY 23 1991' 25. Senate and Constitutional 3-Day Rules suspended by vote of 31 yeas,
0 nays to place bill on third reading and final passage.

'MAY 23 1991' 26. Read third time and passed by
(a viva voce vote.)
31 yeas, 0 nays.)

OTHER ACTION: OTHER ACTION:
Betty King
Secretary of the Senate

5-23-91 27. Returned to the House.

'MAY 23 1991' 28. Received from the Senate (with amendments, as substituted.)

'MAY 27 1991' 29. House ~~conferred~~ (Refused to Concur) in Senate ~~(amendments)~~ (Substitute) by a (Non-Record Vote) ~~Record Vote of~~ yeas, nays, and present, not voting).

'MAY 27 1991' 30. Conference Committee Ordered.

31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record Vote of yeas, nays, and present, not voting).

'MAY 27 1991' 32. Ordered Enrolled at 11:59 am

'MAY 27 1991' Motion to discharge + concur in Senate amendments prevailed by non record vote.

HOUSE OF REPRESENTATIVES
91 MAY 23 PM 9:12

HOUSE OF REPRESENTATIVES
91 MAY -6 PM 4:03

2065