

By

Elli

S. B. No.

1255

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the keeping of vicious 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. VICIOUS DOGS

7 Sec. 822.041. DEFINITIONS. In this subchapter:

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

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

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

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

22 (1) register the vicious dog with a municipal or
23 county animal control office with authority over the area in which
24 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.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 25, 1991

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

IN RE: Senate Bill No. 1255
By: Ellis

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1255 (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: Comptroller of Public Accounts;
LBB Staff: JO, JWH, DF, LC

RECEIVED

MAR 25 1991

SENATE
State Affairs Comm.

S.B. No. 1255

By Ellis

A BILL TO BE ENTITLED

AN ACT:

relating to the keeping of vicious dogs; providing penalties.

3-8-91

MAR 12 1991

Filed with the Secretary of the Senate

STATE AFFAIRS

Read and referred to Committee on _____

Reported favorably _____

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

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by: { unan mous consent
_____ yeas, _____ nays

Read second time, _____, and ordered engrossed by: { unanimous consent
a viva voce vote
_____ yeas, _____ nays

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

Senate and Constitutional 3 Day Rule suspended by a vote of _____ yeas, _____ nays.

Read third time, _____, and passed by: { A viva voce vote
_____ yeas, _____ nays

SECRETARY OF THE SENATE

OTHER ACTION:

Engrossed

Sent to House

Engrossing Clerk _____

Received from the Senate

Read first time and referred to Committee on _____

Reported favorably amended, sent to Printer at _____

Printed and Distributed _____

Sent to Committee on Calendars _____

Read Second time (amended): passed to third reading (failed)

by (Non-Record Vote) Record Vote of _____ yeas, _____ nays _____ present not voting.

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

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

Caption ordered amended to conform to body of bill.

Returned to Senate.

CHIEF CLERK OF THE HOUSE

Returned from House without amendment.

Returned from House with _____ amendments.

Concurred in House amendments by a viva voce vote _____ yeas, _____ nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman; _____, _____, _____

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by: _____

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays

SA