

1-1 By: Lucio S.B. No. 1855
1-2 (In the Senate - Filed March 13, 2015; March 25, 2015, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; May 12, 2015, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 May 12, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1855 By: Bettencourt

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to appeals of certain determinations by an animal control
1-20 authority or certain courts.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 822.042(e), Health and Safety Code, is
1-23 amended to read as follows:

1-24 (e) The court shall order the animal control authority to
1-25 humanely destroy the dog if the owner has not complied with
1-26 Subsection (a) before the 11th day after the date on which the dog
1-27 is seized or delivered to the authority, except that,
1-28 notwithstanding any other law or local regulation, the court may
1-29 not order the destruction of a dog during the pendency of an appeal
1-30 under Section 822.0424. The court shall order the authority to
1-31 return the dog to the owner if the owner complies with Subsection
1-32 (a) before the 11th day after the date on which the dog is seized or
1-33 delivered to the authority.

1-34 SECTION 2. Section 822.0421, Health and Safety Code, is
1-35 amended to read as follows:

1-36 Sec. 822.0421. DETERMINATION THAT DOG IS DANGEROUS.

1-37 (a) If a person reports an incident described by Section
1-38 822.041(2), the animal control authority may investigate the
1-39 incident. If, after receiving the sworn statements of any
1-40 witnesses, the animal control authority determines the dog is a
1-41 dangerous dog, the animal control authority [it] shall notify the
1-42 owner in writing of the determination [that fact].

1-43 (b) Notwithstanding any other law, including a municipal
1-44 ordinance, an [An] owner, not later than the 15th day after the date
1-45 the owner is notified that a dog owned by the owner is a dangerous
1-46 dog, may appeal the determination of the animal control authority
1-47 to a justice, county, or municipal court of competent jurisdiction.

1-48 (c) To file an appeal under Subsection (b), the owner must:

1-49 (1) file a notice of appeal of the animal control
1-50 authority's dangerous dog determination with the court;

1-51 (2) attach a copy of the determination from the animal
1-52 control authority; and

1-53 (3) serve a copy of the notice of appeal on the animal
1-54 control authority by mailing the notice through the United States
1-55 Postal Service.

1-56 (d) An owner may appeal the decision of the justice[~~y~~
1-57 county], or municipal court under Subsection (b) in the [same]
1-58 manner described by Section 822.0424 [as appeal for other cases
1-59 from the justice, county, or municipal court].

1-60 SECTION 3. Section 822.0423, Health and Safety Code, is

2-1 amended by adding Subsection (c-1) and amending Subsection (d) to
2-2 read as follows:

2-3 (c-1) The court shall determine the estimated costs to house
2-4 and care for the impounded dog during the appeal process and shall
2-5 set the amount of bond for an appeal adequate to cover those
2-6 estimated costs.

2-7 (d) An owner or person filing the action may appeal the
2-8 decision of the municipal or [court,] justice court[, or county
2-9 court] in the manner described by Section 822.0424 [provided for
2-10 the appeal of cases from the municipal, justice, or county court].

2-11 SECTION 4. Subchapter D, Chapter 822, Health and Safety
2-12 Code, is amended by adding Section 822.0424 to read as follows:

2-13 Sec. 822.0424. APPEAL. (a) A party to an appeal under
2-14 Section 822.0421(d) or a hearing under Section 822.0423 may appeal
2-15 the decision to a county court or county court at law in the county
2-16 in which the justice or municipal court is located and is entitled
2-17 to a jury trial on request.

2-18 (b) As a condition of perfecting an appeal, not later than
2-19 the 10th calendar day after the date the decision is issued, the
2-20 appellant must file a notice of appeal and, if applicable, an appeal
2-21 bond in the amount determined by the court from which the appeal is
2-22 taken.

2-23 (c) Notwithstanding Section 30.00014, Government Code, or
2-24 any other law, a person filing an appeal from a municipal court
2-25 under Subsection (a) is not required to file a motion for a new
2-26 trial to perfect an appeal.

2-27 (d) A decision of a county court or county court at law under
2-28 this section may be appealed in the same manner as an appeal for any
2-29 other case in a county court or county court at law.

2-30 (e) Notwithstanding any other law, a county court or a
2-31 county court at law has jurisdiction to hear an appeal filed under
2-32 this section.

2-33 SECTION 5. The change in law made by this Act applies only
2-34 to a determination, decision, or hearing under Section 822.0421 or
2-35 822.0423, Health and Safety Code, as amended by this Act, or Section
2-36 822.0424, Health and Safety Code, as added by this Act, that occurs
2-37 on or after the effective date of this Act. A determination,
2-38 decision, or hearing that occurs before the effective date of this
2-39 Act is governed by the law in effect on the date the determination,
2-40 decision, or hearing occurred, and the former law is continued in
2-41 effect for that purpose.

2-42 SECTION 6. This Act takes effect September 1, 2015.

2-43 * * * * *