

1-1 By: Birdwell, Nelson S.B. No. 2100
 1-2 (In the Senate - Filed March 7, 2019; March 21, 2019, read
 1-3 first time and referred to Committee on Criminal Justice;
 1-4 April 8, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 6, Nays 0; April 8, 2019,
 1-6 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. 2100 By: Huffman

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

1-19 relating to the transfer of a retired law enforcement animal.
 1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-21 SECTION 1. Chapter 614, Government Code, is amended by
 1-22 adding Subchapter L to read as follows:
 1-23 SUBCHAPTER L. RETIREMENT OF LAW ENFORCEMENT ANIMAL
 1-24 Sec. 614.211. DEFINITIONS. In this subchapter:
 1-25 (1) "Head of a law enforcement agency" means the
 1-26 highest-ranking peace officer in a law enforcement agency,
 1-27 including the director, sheriff, constable, or police chief, as
 1-28 applicable.
 1-29 (2) "Law enforcement agency" means an office,
 1-30 department, or other division of this state or a political
 1-31 subdivision of this state, including a county, municipality, school
 1-32 district, or hospital district, that is authorized by law to employ
 1-33 peace officers.
 1-34 Sec. 614.212. SUITABILITY AND ELIGIBILITY OF ANIMAL.
 1-35 (a) The governing body of a state agency or political subdivision
 1-36 may enter into a contract with a person for the transfer of a law
 1-37 enforcement dog, horse, or other animal that has been determined by
 1-38 the applicable head of a law enforcement agency or that person's
 1-39 designee to be:
 1-40 (1) suitable for transfer, after consulting with the
 1-41 animal's veterinarian, handlers, and other caretakers; and
 1-42 (2) surplus to the needs of the state agency or
 1-43 political subdivision because the animal is:
 1-44 (A) at the end of the animal's working life; or
 1-45 (B) subject to circumstances that justify making
 1-46 the animal available for transfer before the end of the animal's
 1-47 working life, including:
 1-48 (i) the death of the animal's handler in the
 1-49 line of duty or as a result of injuries sustained in the line of
 1-50 duty; or
 1-51 (ii) the medical retirement of the animal's
 1-52 handler as a result of injuries sustained in the line of duty.
 1-53 (b) The head of a state law enforcement agency may execute a
 1-54 contract under this subchapter on behalf of the state agency.
 1-55 Sec. 614.213. TRANSFEREE. (a) A law enforcement animal
 1-56 determined to be suitable and eligible for transfer under Section
 1-57 614.212 may be transferred only to a person who is:
 1-58 (1) capable of humanely caring for the animal; and
 1-59 (2) selected by the applicable head of a law
 1-60 enforcement agency or that person's designee in the following order

2-1 of priority, as applicable:
 2-2 (A) the animal's former handler who medically
 2-3 retired as a result of injuries sustained in the line of duty;
 2-4 (B) the parent, child, spouse, or sibling of the
 2-5 animal's former handler if the handler was killed in the line of
 2-6 duty or died from injuries sustained in the line of duty;
 2-7 (C) a former handler not described by Paragraph
 2-8 (A);
 2-9 (D) a peace officer, county jailer, or
 2-10 telecommunicator other than the animal's handler; or
 2-11 (E) another person.

2-12 (b) If more than one person in a category of authorized
 2-13 transferees under Subsection (a)(2) requests to receive the animal,
 2-14 the applicable head of a law enforcement agency or that person's
 2-15 designee shall determine which of the potential transferees would
 2-16 best serve the best interest of the animal and the applicable state
 2-17 agency or political subdivision.

2-18 Sec. 614.214. CONTRACT. A contract for a transfer under
 2-19 this subchapter:

2-20 (1) may provide for the transfer without charge to the
 2-21 transferee;

2-22 (2) must require the transferee to:

2-23 (A) humanely care for the animal, including
 2-24 providing food, shelter, and regular and appropriate veterinary
 2-25 care, including medication, to properly provide for the animal's
 2-26 health;

2-27 (B) comply with all state and local laws
 2-28 applicable to keeping domestic animals; and

2-29 (C) notify the applicable state agency or
 2-30 political subdivision if the transferee is no longer able to
 2-31 humanely care for the animal; and

2-32 (3) must require the applicable state agency or
 2-33 political subdivision to take possession of the animal on:

2-34 (A) receipt of the notice under Subdivision
 2-35 (2)(C); or

2-36 (B) a finding by the governing body of the state
 2-37 agency or political subdivision that the transferee is no longer
 2-38 able to humanely care for the animal.

2-39 Sec. 614.215. LIABILITY. A state agency or political
 2-40 subdivision that transfers an animal under this subchapter:

2-41 (1) is not liable in a civil action for any damages
 2-42 arising from the transfer, including damages arising from the
 2-43 animal's law enforcement training; and

2-44 (2) is not liable for veterinary expenses of the
 2-45 transferred animal, including expenses associated with care for a
 2-46 condition of the animal that existed before or at the time of
 2-47 transfer, regardless of whether the applicable law enforcement
 2-48 agency, state agency, or political subdivision was aware of the
 2-49 condition.

2-50 Sec. 614.216. EFFECT OF SUBCHAPTER. This subchapter does
 2-51 not:

2-52 (1) require an animal to be transferred under this
 2-53 subchapter;

2-54 (2) affect a state agency's or political subdivision's
 2-55 authority to care for retired law enforcement animals; or

2-56 (3) waive sovereign or governmental immunity to suit
 2-57 and from liability of the state agency or political subdivision
 2-58 transferring an animal.

2-59 Sec. 614.217. EFFECT OF SURPLUS OR SALVAGE LAW. Subchapter
 2-60 D, Chapter 2175, of this code, Subchapter D, Chapter 263, Local
 2-61 Government Code, and other similar laws regarding the disposition
 2-62 of surplus or salvage property do not apply to the transfer of a law
 2-63 enforcement animal under this subchapter.

2-64 SECTION 2. This Act takes effect immediately if it receives
 2-65 a vote of two-thirds of all the members elected to each house, as
 2-66 provided by Section 39, Article III, Texas Constitution. If this
 2-67 Act does not receive the vote necessary for immediate effect, this
 2-68 Act takes effect September 1, 2019.

2-69 * * * * *