

1-1 By: Cortez, Goodwin (Senate Sponsor - Whitmire) H.B. No. 4164  
1-2 (In the Senate - Received from the House May 15, 2023;  
1-3 May 15, 2023, read first time and referred to Committee on Criminal  
1-4 Justice; May 19, 2023, reported favorably by the following vote:  
1-5 Yeas 7, Nays 0; May 19, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Whitmire	X		
1-9	Flores	X		
1-10	Bettencourt	X		
1-11	Hinojosa	X		
1-12	Huffman	X		
1-13	King	X		
1-14	Miles	X		

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to the improper use and treatment of an assistance animal  
1-18 or service animal; increasing a criminal penalty.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 121.006, Human Resources Code, is  
1-21 amended to read as follows:

1-22 Sec. 121.006. ~~[PENALTIES FOR]~~ IMPROPER USE OF ASSISTANCE  
1-23 AND SERVICE ANIMALS; OFFENSE. (a) A person commits an offense if  
1-24 the person intentionally or knowingly represents ~~[who uses a~~  
1-25 ~~service animal with a harness or leash of the type commonly used by~~  
1-26 ~~persons with disabilities who use trained animals, in order to~~  
1-27 ~~represent]~~ that an ~~[his or her]~~ animal is an assistance animal or a  
1-28 [specially trained] service animal when the animal is not specially  
1-29 trained or equipped to help a person with a disability. An offense  
1-30 under this subsection ~~[training has not in fact been provided,]~~ is  
1-31 ~~[guilty of]~~ a misdemeanor punishable ~~[and on conviction shall be~~  
1-32 ~~punished]~~ by:

1-33 (1) a fine of not more than \$1,000 ~~[\$300]~~; and

1-34 (2) 30 hours of community service to be performed for a  
1-35 governmental entity or nonprofit organization that primarily  
1-36 serves persons with visual impairments or other disabilities, or  
1-37 for another entity or organization at the discretion of the court,  
1-38 to be completed in not more than one year.

1-39 (b) A person who habitually abuses or neglects to feed or  
1-40 otherwise neglects to properly care for the person's ~~[his or her]~~  
1-41 assistance animal or service animal is subject to seizure of the  
1-42 animal under Subchapter B, Chapter 821, Health and Safety Code.

1-43 SECTION 2. Section 121.006(a), Human Resources Code, as  
1-44 amended by this Act, applies only to an offense committed on or  
1-45 after the effective date of this Act. An offense committed before  
1-46 the effective date of this Act is governed by the law in effect when  
1-47 the offense was committed, and the former law is continued in effect  
1-48 for that purpose. For purposes of this section, an offense was  
1-49 committed before the effective date of this Act if any element of  
1-50 the offense occurred before that date.

1-51 SECTION 3. This Act takes effect September 1, 2023.

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