

- SUBJECT:** Allowing on-duty animal control officers to carry bite prevention sticks
- COMMITTEE:** State Affairs — favorable, without amendment
- VOTE:** 11 ayes — Solomons, Menendez, Cook, Farabee, Gallego, Geren, Harless, Hilderbran, Lucio, Maldonado, Swinford
- 0 nays
- 4 absent — Craddick, Jones, Oliveira, S. Turner
- WITNESSES:** For — Brian Goza, Elizabeth Love, Harris County Public Health and Environmental Services; Alan Spence, Texas Academy of Animal Control; (*Registered, but did not testify:* John Paul Urban, Harris County; Michael Vasquez, Texas Conference of Urban Counties)
- Against — None
- On — Thomas Sidwa, Texas Department of State Health Services
- BACKGROUND:** A bite prevention stick is a telescoping piece of metal designed to provide a barrier between the officer and the animal and to give the animal something to bite besides the officer. A bite prevention stick is similar in appearance to a nightstick, a type of "club" defined as an unlawful weapon under Penal Code, sec. 46.01. Secs. 46.02 and 46.03 prohibit the possession or carrying of clubs, with certain exceptions for peace officers and other officials. The offense generally is a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000).
- DIGEST:** HB 405 would amend Penal Code, sec. 46.15 to allow an animal control officer to possess or carry a club or other instrument used specifically to prevent animal bites while performing official duties or while traveling to or from work. It would exempt an animal control officer from the provisions in Penal Code, secs. 46.02 and 46.03.
- The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.

SUPPORTERS
SAY:

HB 405 would clarify the Penal Code to enable animal control officers to use bite protection sticks without risking prosecution. Animal control officers throughout Texas use bite prevention sticks to protect themselves from animal attacks. Because the Penal Code provisions prohibiting possession of a club do not specifically exempt animal control officers, an officer who carries a bite prevention stick while on duty risks committing a criminal violation.

Animal control officers need protective equipment to protect themselves and the public from dogs and other animals that that have been conditioned to fight or behave aggressively. These officers often encounter dangerous situations involving animals, and many are forced to defend themselves with little more than their own clipboards, flashlights, and catch poles. Bite prevention sticks offer much greater protection from animal attacks and are approved for use by the National Animal Control Association.

The bill would not increase the risk of animal abuse by animal control officers. Unlike nightsticks or other types of clubs, bite prevention sticks are designed and used only for protection against animal bites. While it is conceivably possible that a bad actor could use a bite prevention stick to abuse an animal, the same could be said for the four-foot catch pole already carried by animal control officers. The mere possibility that a defensive tool could be misused is no reason to leave officers defenseless against animal attacks.

Although HB 405 would not require animal control officers to receive training in the use of bite prevention sticks, most animal control departments in the state already provide such training to their officers.

OPPONENTS
SAY:

HB 405 would not require animal control officers to undergo basic training in the proper use of bite prevention sticks. As a matter of public policy, law enforcement officials of every kind should receive mandatory training about the use of protective equipment that, no matter how benignly designed, could be used for harmful purposes. An untrained animal control officer might misuse a bite prevention stick and unnecessarily wound an animal, for instance.

NOTES:

Rep. Lucio intends to offer an amendment that would require mandatory training in the use of bite prevention sticks.

The companion bill, SB 1298 by Huffman, has been referred to the Senate Criminal Justice Committee.