

- SUBJECT:** Authorizing fees and costs related to animal cruelty court proceedings
- COMMITTEE:** Judiciary and Civil Jurisprudence — committee substitute recommended
- VOTE:** 9 ayes — Smithee, Farrar, Gutierrez, Hernandez, Laubenberg, Murr, Neave, Rinaldi, Schofield
- 0 nays
- WITNESSES:** For — Laura Donahue, Texas Humane Legislation Network; (*Registered, but did not testify*: Donna Warndof, Harris County Commissioners Court; John Dahill, Texas Conference of Urban Counties; Rick Thompson, Texas Association of Counties; Katie Jarl, The Humane Society of the United States; Deece Eckstein, Travis County Commissioners Court; Rob Block; Thomas Parkinson)
- Against — Emily Gerrick, Texas Fair Defense Project (*Registered, but did not testify*: Gib Lewis, Exotic Wildlife Association, Responsible Pet Owners Alliance)
- BACKGROUND:** Health and Safety Code, sec. 821.023(e) mandates that a court require an individual found guilty of animal cruelty to pay all court costs and costs incurred by a municipality or county animal shelter or nonprofit animal welfare organization in housing or euthanizing an animal.
- Sec. 821.025 establishes the process and requirements for defendants to appeal a case of animal cruelty.
- DIGEST:** CSHB 748 would allow a court to order an animal owner found guilty of animal cruelty in a county or municipality with a population of at least 700,000 to pay the county's or municipality's attorney fees, in addition to other costs required by current statute.
- The bill also would allow a county court or county court at law that issued a decision in an appeal of an animal cruelty case in a county or municipality with a population of at least 700,000 to order an owner found

guilty to pay the county's or municipality's attorney's fees and court costs.

The bill would take effect September 1, 2017, and would apply only to court proceedings beginning on or after the bill's effective date.

**SUPPORTERS
SAY:**

CSHB 748 would establish a more cost-effective method for counties and municipalities to enforce animal cruelty laws and prevent animal cruelty by allowing them to recover attorney's fees. The bill would not unfairly burden low-income individuals convicted of animal cruelty because these defendants can set up monthly payment plans to manage costs imposed on them. Courts already work to negotiate costs in cases of financial difficulty, and the court would have full discretion in requiring the payment of attorney's fees.

**OPPONENTS
SAY:**

Laws requiring people convicted of crimes to pay court costs and attorney's fees fall particularly hard on low-income individuals, whose financial stability may already be at risk. CSHB 748 especially would create an unfair situation for low-income individuals facing a class C misdemeanor (maximum fine of \$500), as they would be required to pay prosecutor costs while the state would not be required to provide them with indigent defense.