

BILL ANALYSIS

Senate Research Center
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S.B. 1186
By: Madla
State Affairs
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As Filed

DIGEST

Currently, the Health and Safety Code does not have a subchapter on dangerous wild animals. S.B. 1186 regulates dangerous wild animals and imposes civil and criminal penalties.

PURPOSE

As proposed, S.B. 1186 regulates dangerous wild animals and imposes civil and criminal penalties.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends 822, Health and Safety Code, by adding Subchapter E, as follows:

SUBCHAPTER E. DANGEROUS WILD ANIMALS

Sec. 822.101. **DEFINITIONS.** Defines “animal registration agency,” “commercial activity,” “dangerous wild animal,” “owner,” “primary enclosure,” and “wildlife sanctuary.”

Sec. 822.102. **APPLICABILITY OF SUBCHAPTER.** Sets forth people for whom this subchapter does not apply.

Sec. 822.103. **CERTIFICATE OF REGISTRATION.** Prohibits a person from owning or harboring a dangerous wild animal unless the person holds a certificate of registration. Authorizes an animal registration agency (agency) to require a separate certificate for each animal. Provides that the certificate is not transferrable and is valid for one year after its date of issuance or renewal unless revoked. Requires each municipality and county to charge by ordinance reasonable fees sufficient to cover the costs of administration and enforcement of this subchapter.

Sec. 822.104. **CERTIFICATE OF REGISTRATION APPLICATION.** Requires applicants seeking certification to hold a wild animal to file with the agency their application containing certain information, including prescribed statements, fees, insurance, and identification. Requires the application to contain a statement signed by a veterinarian testifying to certain health and safety conditions of the animals and the environment in which they are housed.

Sec. 822.105. **LIABILITY INSURANCE.** Requires holders of a certificate of registration issued by the agency to maintain liability insurance that is not less than \$100,000 for damages, death, and destruction caused by their wild animal.

Sec. 822.106. **DENIAL OR REVOCATION OF CERTIFICATE OF REGISTRATION.** Requires the agency to revoke the certificate of a registered owner and notify the owner of the action if the agency finds the owner did not comply with this subchapter or the owner provided false information. Authorizes a person to appeal the denial or revocation to a justice or supreme court by a certain date. Authorizes either party to appeal the decision of the court. Provides that an appeal stays the revocation until the court rules on the appeal.

Sec. 822.107. **DISPLAY OF CERTIFICATE OF REGISTRATION.** Requires the certificate holder to prominently display the certificate at the premises where each animal is kept.

Sec. 822.108. INSPECTION. Requires the owner of the dangerous wild animal to allow the animal registration agency to inspect the premises, enclose, and records of the wild animal.

Sec. 822.109. RELOCATION OF ANIMAL. Prohibits the owner of a wild animal from relocating the animal without first notifying the agency of the relocation.

Sec. 822.110. NOTICE OF SALE OR DEATH OF ANIMAL; NOTICE OF INJURY INFLICTED BY ANIMAL. Requires the owner of a wild animal to notify the agency by a certain date and fill out required paperwork if the animal dies, is sold, is disposed, or attacks a person.

Sec. 822.111. ESCAPE OF ANIMAL; LIABILITY. Requires the owner of a wild animal to notify immediately the agency if the wild animal escapes. Makes the owner of the animal liable for any costs resulting from apprehension and confinement. Provides that any law enforcement agency that attempts to capture a wild animal is not responsible for any liability caused by the animal or liable for damage to the animal as result of the capture.

Sec. 822.112. MINIMUM SPACE REQUIREMENTS FOR DANGEROUS WILD ANIMALS; DEVIATIONS. Requires the primary enclosure in which the wild animal is kept to meet the minimum space requirements applicable under this subchapter. Authorizes an owner of a wild animal to deviate for only certain reasons from the primary enclosure requirements, upon receiving approval from the agency. Authorizes the agency to deviate from the enclosure requirements only if the agency finds deviation does not compromise the animal's or the public's safety.

Sec. 822.113. MINIMUM SPACE REQUIREMENTS: GORILLAS. Sets forth minimum space requirements for one or two gorillas or for a pair of gorillas and their progeny under two years old, and increases the area size for each additional gorilla.

Sec. 822.114. MINIMUM SPACE REQUIREMENTS: ORANGUTANS. Sets forth minimum space requirements for one or two orangutans or for a pair of orangutans and their progeny under two years old, and increases the area size for each additional orangutan.

Sec. 822.115. MINIMUM SPACE REQUIREMENTS: CHIMPANZEES. Sets forth minimum space requirements for one or two chimpanzees or for a pair of chimpanzees and their progeny under two years old, and increases the area size for each additional chimpanzee.

Sec. 822.116. MINIMUM SPACE REQUIREMENTS: BABOONS. Sets forth minimum space requirements for one or two baboons or for a pair of baboons and their progeny under two years old, and increases the area size for each additional baboon.

Sec. 822.117. MINIMUM SPACE REQUIREMENTS: JACKALS, COYOTES, AND WOLVERINES. Sets forth minimum space requirements for one or two jackals, coyotes, wolverines, or hybrids of these animals, and increases the area size for each additional jackal, coyote, wolverine, or hybrid animal.

Sec. 822.118. MINIMUM SPACE REQUIREMENTS: WOLVES. Sets forth minimum space requirements for one or two wolves or hybrids of wolves, and increases the area size for each additional wolf or hybrid of a wolf.

Sec. 822.119. MINIMUM SPACE REQUIREMENTS: BEARS. Sets forth minimum space requirements for one or two bears, and increases the area size for each additional bear.

Sec. 822.120. MINIMUM SPACE REQUIREMENTS: BINTURONGS. Sets forth minimum space requirements for one or two binturongs, and increases the area size for each additional binturong.

Sec. 822.121. MINIMUM SPACE REQUIREMENTS: HYENAS. Sets forth minimum space requirements for one or two hyenas, and increases the area size for each additional hyena.

Sec. 822.122. MINIMUM SPACE REQUIREMENTS: LIONS, TIGERS, CHEETAHS, AND SNOW LEOPARDS. Sets forth minimum space requirements for one or two lions, tigers, cheetahs, or snow leopards, or hybrids of these animals, and increases the area size for each

additional lion, tiger, cheetah, snow leopard, or hybrid animal.

Sec. 822.123. MINIMUM SPACE REQUIREMENTS: COUGARS, LEOPARDS, PANTHERS, AND JAGUARS. Sets forth minimum space requirements for one or two cougars, leopards, panthers, and jaguars, or hybrids of these animals, and increases the area size for each additional cougar, leopard, panther, and jaguar, or hybrid.

Sec. 822.124. MINIMUM SPACE REQUIREMENTS: BOBCATS, OCELOTS, SERVALS, CARACALS, AND LYNX. Sets forth minimum space requirements for one or two bobcats, ocelots, servals, caracals, lynx, or hybrids of these animals, and increases the area size for each additional bobcats, ocelots, servals, caracals, lynx, or hybrids animal.

Sec. 822.125. MINIMUM SPACE REQUIREMENTS: ELEPHANTS. Sets forth minimum space requirements for one or two elephants, and increases the area size for each additional elephant.

Sec. 822.126. CONSTRUCTION REQUIREMENTS FOR PRIMARY ENCLOSURES. Sets forth specifications for the primary enclosure in which a dangerous wild animal is kept, including minimum specifications for certain wild animals, requirements for the use of chain link enclosures, and locking mechanisms. Requires a primary enclosure to be designed and constructed to prevent the escape of the animal.

Sec. 822.127. CARE, TREATMENT, AND TRANSPORTATION OF ANIMAL. Requires the owner of a wild animal to comply with the Animal Welfare Act (AWA), to adhere to certain regulations under AWA, to maintain a veterinary log containing prescribed information, and to comply with certain AWA transportation requirements.

Sec. 822.128. OFFENSE AND PENALTY. Provides that a person commits a separate offense for each animal in violation of Section 822.103(a) and for each day the violation continues. Provides that the offense is a Class C misdemeanor.

Sec. 822.129. CIVIL PENALTY. Provides that a violator is liable for a civil penalty between \$200 and \$2,000 for each animal and for each day. Authorizes the county or municipality to sue to collect a civil penalty. Authorizes the county or municipality to retain the civil penalty. Authorizes the county or municipality where the violation occurs to also recover reasonable expenses for the investigation, attorney's fees, and expert witness fees. Requires costs or fees to be credited to the operating account from which payment for the agency's expenditures was made.

Sec. 822.130. INJUNCTION. Authorizes any person to sue to enjoin a violation of this subchapter or to enforce this subchapter.

Sec. 822.131. EFFECT OF SUBCHAPTER ON OTHER LAW. Sets forth chapters that this subchapter does not affect. Provides that this subchapter does not preclude a county or municipality from regulating the ownership, possession, confinement, or care of a wild animal.

SECTION 2. Amends the heading to Chapter 240A, Local Government Code, as follows:

SUBCHAPTER A. New heading: REGULATION OF KEEPING OF DANGEROUS WILD ANIMALS

SECTION 3. Amends Section 240.0025, Local Government Code, as follows:

Sec. 240.0025. New heading: REGULATION OF DANGEROUS WILD ANIMALS. Defines "dangerous wild animal." Deletes text regarding areas in which an order does not apply. Makes a conforming change.

SECTION 4. (a) Effective date: September 1, 1999, except as provided by this section.

(b) Effective date for Section 822.128, Health and Safety Code: June 1, 2000.

SECTION 5. (a) Provides that a person is not required to obtain a certificate of registration for a

dangerous wild animal under Chapter 822E, Health and Safety Code, before June 1, 2000.

(b) Requires each municipality and county to adopt any ordinance necessary to implement and administer the certificate of registration program created by Chapter 822E, Health and Safety Code, by December 1, 1999.

SECTION 6. Emergency clause.