

BILL ANALYSIS

Senate Research Center

C.S.H.B. 2881
By: Driver (Deuell)
Criminal Justice
5-23-2003
Committee Report (Substituted)

DIGEST AND PURPOSE

Many people with disabilities depend upon specially trained service animals to assist in daily tasks, including assistance with mobility for the blind. The cost of a guide dog and services from an organization that trains guide dogs can range up to \$60,000. When an assistance animal is killed or injured, the disabled person not only loses the benefits of the animal's assistance but also suffers an economic loss. However, current law does not specifically protect the rights of a disabled person if the person's assistance animal is killed or injured by another person or another person's dog. C.S.H.B. 2881 provides a specific penalty if a person or a person's dog attacks an assistance animal, and requires payment of restitution for any veterinary or medical bills and the cost of replacing or retraining an assistance animal.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 121.003(j), Human Resources Code, to prohibit a person from assaulting, harassing, interfering with, killing, or injuring in any way, or attempting to assault, harass, interfere with, kill, or injure in any way, an assistance animal.

SECTION 2. Amends Chapter 42, Penal Code, by adding Section 42.091, as follows:

Sec. 42.091. **ATTACK ON ASSISTANCE ANIMAL.** (a) Provides that a person commits an offense if the person intentionally, knowingly, or recklessly attacks, injures, or kills an assistance animal.

(b) Provides that a person commits an offense if the person intentionally, knowingly, or recklessly incites or permits an animal owned by or in the custody of the actor to attack, injure, or kill an assistance animal.

©) Provides that an offense under this section is a Class A misdemeanor if the actor or an animal owned by or otherwise in the custody of the actor attacks an assistance animal; a state jail felony if the actor or an animal owned by or otherwise in the custody of the actor injures an assistance animal; or a felony of the third degree if the actor or an animal owned by or otherwise in the custody of the actor attacks an assistance animal.

(d) Requires a court to order a defendant convicted of an offense under Subsection (a) to make restitution to the owner of the assistance animal for the related veterinary or medical bills and for the cost of replacing the assistance animal or retraining an injured assistance animal by an organization generally recognized by agencies involved in the rehabilitation of persons with disabilities as reputable and competent to provide special equipment for or special training to an animal to help a person with a disability; and any other expense reasonably incurred as a result of the offense.

(e) Defines “assistance animal” and “custody.”

SECTION 3. Effective date: September 1, 2003.