

BILL ANALYSIS

Senate Research Center

H.B. 2840
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Criminal Justice
5/18/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Unprovoked attacks by unrestrained animals pose a serious safety issue for utility and governmental employees, as well as the general public. H.B. 2840 makes modifications to Chapter 822 (Regulation of Animals), Health and Safety Code, to allow for self-defense from unprovoked attacks and provide immunity for damages to the dog and dog owner's property that may occur in the effort to defend from attack, and make the dog owner responsible for damage to any other person's property. H.B. 2840 also requires destruction of a dog that causes serious bodily injury, unless the attack takes place within the dog's secure enclosure. These modifications to the Health and Safety Code will provide extra measures for public safety by placing appropriate responsibility and liability on the owner of a dog whose unprovoked attack causes serious bodily injury or death.

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 822.001, Health and Safety Code, to define "owner," "secure enclosure," and "unprovoked attack." Redefines "serious bodily injury." Makes nonsubstantive changes.

SECTION 2. Amends Section 822.033(f), Health and Safety Code, to prohibit the court from ordering a dog destroyed if the court finds that the dog caused the serious bodily injury to a person by attacking, biting, or mauling the person and certain modified circumstances apply.

SECTION 3. Amends Subchapter A, Chapter 822, Health and Safety Code, by adding Section 822.006, as follows:

Sec. 822.006. DEFENDING AGAINST AN UNPROVOKED ATTACK BY A DOG.

(a) Authorizes a person to use any and all means available to defend against an unprovoked attack by a dog on that person or another person, including but not limited to inanimate objects, chemical or other sprays, and electrical shock or stun devices.

(b) Prohibits a person defending against an unprovoked attack by a dog on that person or another person from being liable, in law or equity, to the owner of the dog for damages to the dog or to the owner's property. Requires the owner of the dog, to the extent a person defending against an unprovoked attack by a dog causes damage to the property of persons other than the owner, to then be liable for all such damages.

(c) Requires the owner of the dog to be liable for all damages to any person or property resulting from an unprovoked attack by the dog.

(d) Prohibits a person defending against an unprovoked attack by a dog on that person or another person from being subject to criminal prosecution for injury to the dog.

SECTION 4. Effective date: upon passage or September 1, 2005.