

BILL ANALYSIS

Senate Research Center
82R19997 NAJ-F

C.S.S.B. 958
By: Wentworth
Agriculture & Rural Affairs
4/12/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2001, the legislature enacted the Texas Dangerous Wild Animals Act (Act) to protect citizens from the danger presented by the spread of dangerous wild animal ownership in Texas. The Act does not ban ownership of dangerous wild animals by Texans; rather, it requires owners to register such animals with a local animal registration agency, pay a fee, and ensure the proper care, treatment, and enclosure of the animals. The Act, however, does not require a municipality or county to establish a process for registering these animals. In political subdivisions that do not elect to establish such a process, no individual or entity is allowed to house or care for a dangerous wild animal unless the individual or entity falls within one of the exemptions within the Act.

The legislature exempted certain categories of animal welfare entities from the Act because these entities include governmental entities, research facilities, nationally accredited zoos and aquariums, film productions, circuses, and even universities that utilize a dangerous wild animal as an official mascot. An animal sanctuary is a facility where animals are brought to live and be protected for the rest of their lives. Animal sanctuaries typically operate in Texas under the classification of animal shelters; however, some have argued that an animal sanctuary is not, in fact, an animal shelter because the term animal shelter suggests a temporary animal holding and rehabilitation facility.

C.S.S.B. 958 clarifies that accredited animal sanctuaries are permitted to house and care for dangerous wild animals in Texas, even in counties that have not established a process for registering the animals with a local animal registration agency.

C.S.S.B. 958 amends current law relating to the regulation of dangerous wild animals.

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 822.101, Health and Safety Code, by adding Subdivision (8) to define "wildlife sanctuary."

SECTION 2. Amends Section 822.102(a), Health and Safety Code, to provide that this subchapter does not apply to certain entities, including a sick or injured dangerous wild animal while being rehabilitated or treated by and in the temporary possession of a licensed veterinarian or a person who holds a rehabilitation permit issued under Subchapter C (Permits for Scientific Research, Zoological Collection, Rehabilitation, and Educational Display), Chapter 43 (Special Licenses and Permits), Parks and Wildlife Code, for the animal while being rehabilitated or treated, rather than an injured, infirm, orphaned, or abandoned dangerous wild animal while being rehabilitated, treated, or cared for by a licensed veterinarian, an incorporated humane society or animal shelter, or a person who holds a rehabilitation permit issued under Subchapter C, Chapter 43, Parks and Wildlife Code; and a wildlife sanctuary that is verified or accredited by the Global Federation of Animal Sanctuaries, or a successor nonprofit organization that is similar

to the Global Federation of Animal Sanctuaries and is designated by the Department of State Health Services if the Global Federation of Animal Sanctuary ceases to exist.

SECTION 3. Effective date: upon passage or September 1, 2011.