

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 2100
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Criminal Justice
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas law enforcement agencies use dogs, horses, and other animals to help them perform their duties. Interested parties contend that few people are qualified to humanely care for and properly supervise a law enforcement dog or horse. When these animals retire, agencies typically adopt them to their former handler or other qualified caretaker—usually for a small fee or no fee at all.

Texas law classifies domestic animals as personal property. Currently the Local Government Code classifies a retiring sheriff's office's canine or other working animal as salvage or surplus property and generally anticipates that a county will auction off its salvage or surplus property and receive a fee.

Purpose:

S.B. 2100 would amend the Local Government Code to permit counties and cities to transfer a law enforcement dog, horse, or other animal to the animal's handler or other qualified caretaker for no consideration on the animal's retirement or other time in the animal's best interest.

Additionally, S.B. 2100 would confer many of the benefits of the comparable federal statute. The bill would:

- (1) require a sheriff to determine when a dog or other animal was suitable for retirement and adoption, including by reason of the animal's age or health or the death or severe injury of the animal's handler;
- (2) require a person adopting a retiring animal to be capable of humanely caring for it;
- (3) set out the priorities for eligible recipients, including former handlers, a handler's family members, and other licensed officers, county jailers, or dispatchers;
- (4) set out minimum terms for the adoption contract, including (a) a term to allow an adoption for no fee, (b) a requirement that the recipient humanely care for the animal, comply with all laws for the keeping of domestic animals, and notify the county if the person becomes unable to continue to care for the animal, and (c) a term requiring the county to re-take the animal to ensure its proper care; and
- (5) note the types of immunity that protect the county. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 2100 amends current law relating to the transfer of a retired law enforcement 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 Chapter 614, Government Code, by adding Subchapter L, as follows:

SUBCHAPTER L. RETIREMENT OF LAW ENFORCEMENT ANIMAL

Sec. 614.211. DEFINITIONS. Defines "head of a law enforcement agency" and "law enforcement agency" for purposes of this subchapter.

Sec. 614.212. SUITABILITY AND ELIGIBILITY OF ANIMAL. (a) Authorizes the governing body of a state agency or political subdivision to enter into a contract with a person for the transfer of a law enforcement dog, horse, or other animal that has been determined by the applicable head of a law enforcement agency or that person's designee to be:

(1) suitable for transfer, after consulting with the animal's veterinarian, handlers, and other caretakers; and

(2) surplus to the needs of the state agency or political subdivision because the animal is:

(A) at the end of the animal's working life; or

(B) subject to circumstances that justify making the animal available for transfer before the end of the animal's working life, including the death of the animal's handler in the line of duty or as a result of injuries sustained in the line of duty or the medical retirement of the animal's handler as a result of injuries sustained in the line of duty.

(b) Authorizes the head of a state law enforcement agency to execute a contract under this subchapter on behalf of the state agency.

Sec. 614.213. TRANSFEREE. (a) Authorizes a law enforcement animal determined to be suitable and eligible for transfer under Section 614.212 to be transferred only to a person who is:

(1) capable of humanely caring for the animal; and

(2) selected by the applicable head of a law enforcement agency or that person's designee in a certain specified order of priority, as applicable.

(b) Requires the applicable head of a law enforcement agency or that person's designee, if more than one person in a category of authorized transferees under Subsection (a)(2) requests to receive the animal, to determine which of the potential transferees would best serve the best interest of the animal and the applicable state agency or political subdivision.

Sec. 614.214. CONTRACT. Provides that a contract for a transfer under this subchapter:

(1) is authorized to provide for the transfer without charge to the transferee;

(2) is required to require the transferee to:

(A) humanely care for the animal, including providing food, shelter, and regular and appropriate veterinary care, including medication, to properly provide for the animal's health;

(B) comply with all state and local laws applicable to keeping domestic animals; and

(C) notify the applicable state agency or political subdivision if the transferee is no longer able to humanely care for the animal; and

(3) is required to require the applicable state agency or political subdivision to take possession of the animal on receipt of the notice under Subdivision (2)(C) or a finding by the governing body of the state agency or political subdivision that the transferee is no longer able to humanely care for the animal.

Sec. 614.215. LIABILITY. Provides that a state agency or political subdivision that transfers an animal under this subchapter:

(1) is not liable in a civil action for any damages arising from the transfer, including damages arising from the animal's law enforcement training; and

(2) is not liable for veterinary expenses of the transferred animal, including expenses associated with care for a condition of the animal that existed before or at the time of transfer, regardless of whether the applicable law enforcement agency, state agency, or political subdivision was aware of the condition.

Sec. 614.216. EFFECT OF SUBCHAPTER. Provides that this subchapter does not:

(1) require an animal to be transferred under this subchapter;

(2) affect a state agency's or political subdivision's authority to care for retired law enforcement animals; or

(3) waive sovereign or governmental immunity to suit and from liability of the state agency or political subdivision transferring an animal.

Sec. 614.217. EFFECT OF SURPLUS OR SALVAGE LAW. Provides that Subchapter D (Disposition of Surplus or Salvage Property), Chapter 2175, of this code, Subchapter D (Disposition of Salvage or Surplus Property), Chapter 263, Local Government Code, and other similar laws regarding the disposition of surplus or salvage property do not apply to the transfer of a law enforcement animal under this subchapter.

SECTION 2. Effective date: upon passage or September 1, 2019.