

SUBJECT: Criminal offense for interfering with an animal control officer

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 6 ayes — Keel, Riddle, Denny, P. Moreno, Pena, Reyna
0 nays
3 absent — Escobar, Hodge, Raymond

WITNESSES: For — Christina Baker, Edwin Lang, Susan Root, Daniel Sanchez, Cherie Whittenberg, Harris County Rabies and Animal Control; Amanda Jones, Harris County
Against — None

BACKGROUND: Penal Code, sec. 38.15 makes it a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000) for persons who with criminal negligence interfere with public duties, including interrupting, disrupting, impeding, or otherwise interfering with peace officers, emergency medical services personnel, and fire fighters while they are performing their official duties.

DIGEST: HB 825 would amend Penal Code, sec. 38.15 by adding city and county animal control officers to the list of public servants covered by the statute.

The bill would take effect September 1, 2005, and would apply to an offense committed on or after the effective date.

SUPPORTERS SAY: HB 825 would bring animal control officers under the definition of a public servant and offer them the same protection from interference as other public servants have in the performance of their official duties. Animal control officers are constantly harassed, threatened, and in some cases assaulted, but under current law they have little recourse except to file assault charges against offenders and be saddled with the effort and expense of pursuing these charges. Enhancing the penalty for interference would give police and prosecutors an important tool in protecting these officers.

Animal control officers provide a valuable service by protecting the public from animals that pose potential health hazards, including rabies, foot and mouth disease, brucellosis, and avian flu. Also, in the wake of 9/11, animal control officers increasingly are being trained as part of the first line of defense in the event of a natural or man-made disaster. Some owners resist having their sick, or potentially sick, animals impounded and often attempt to hide the animal or prevent the officer from seizing it. This can place the officer at risk, particularly because the owner has little to fear in the way of punishment under current law. This bill would help ensure that they could go about their duties unimpeded.

Under current law, interfering with an animal, such as a police or guard dog, under the supervision of a peace officer, corrections officer, or jailer is a criminal offense, but interfering with an animal control officer is not. These officers perform equally important duties and deserve the same protection.

Concerns that the law would be used to put people in jail for minor offenses are unfounded. As with all criminal charges, prosecutors and judges would use their discretion and prosecute only the serious offenses that warranted it.

**OPPONENTS
SAY:**

HB 825 inappropriately would elevate interference with an animal control officer to a criminal level. Putting someone in jail for hiding a dog is too severe, and limited jail space should be reserved for those who truly pose a threat to society. Animal control officers currently are covered by general penal code provisions that protect everyone from assault.

In general, the Penal Code should not be used to create special classes of victims. Fire fighters, police, and emergency service personnel hold a unique place in society and deserve special protection from interference. The nature of the work performed by animal control officers, while important, does not warrant similar protection.