

**SUBJECT:** Costs for cruelly treated animal proceedings

**COMMITTEE:** Judiciary and Civil Jurisprudence — committee substitute recommended

**VOTE:** 8 ayes — Jackson, Lewis, Bohac, Castro, S. Davis, Hartnett, Scott, Thompson  
2 nays — Madden, Raymond  
1 absent — Woolley

**WITNESSES:** For — Michael Camp, City of Fort Worth; Linda Geffin, Harris County Attorney’s Office; Joseph Guerra, Houston Humane Society; Robert “Skip” Trimble, Texas Humane Legislation Network; Tara Yurkshat, Houston SPCA; (*Registered, but did not testify:* Julie Covey, Fox Terrier Rescue of Central and North Texas; Sherry Ferguson, Houston Humane Society; Monica Hardy, Cile Holloway, Texas Humane Legislation Network; Frances Jonon, Austin Humane Society; Bill Longley, Texas Municipal League; Patt Nordyke, Texas Federation of Animal Care Societies; Nicole Paquette, The Humane Society of the United States; Stacy Schuelke, Houston Humane Society; Diane Coker; Jeanne O’Neil; Lisa Starr)  
  
Against — Zandra Anderson, Texas Dog Commission; Mark Homer, Martine Huslig, Responsible Pet Owners Alliance; Gib Lewis, Texas Wildlife Association; Scott Kirby; Jeff Shaver; (*Registered, but did not testify:* Curtis Fuelberg, Texas Sporting Dog Association; Marion Sanford; Sara Whittington)

**BACKGROUND:** Health and Safety Code ch. 821 stipulates that if a court determines that a person treated his or her animal cruelly, the person would lose ownership privileges. The court must order that the animal be sold at auction, given to an animal shelter, or humanely killed. Furthermore, the former owner must pay all court costs.  
  
A person who has lost ownership privileges can appeal a court’s ruling. Within 10 days after the court order, he or she can file an appeal notice and an appeal bond to cover the expenses for sheltering the animal. Within five days after the appeals notice, the court must deliver the court’s

transcripts to the county court. Within 10 days after the county court receives the transcript, the county court must rule on the appeal. Until that ruling is made, the animal may not be sold, given away, or killed.

**DIGEST:**

CSHB 963 would require a court that found an animal owner guilty of cruelly treated the animal to determine the estimated costs likely to be incurred by the city or county animal shelter or nonprofit organization for housing and caring for the animal during the appeals process. The court would then have to set the amount of bond for an appeal equal to the sum of administrative court costs and the costs incurred in caring for the animal. A court could not require a bond amount greater than or in addition to this sum.

If and when a former owner filed an appeal, he or she also would have to file a cash or surety bond. The court then would have to deliver the clerk's records, not just the transcripts, to the clerk of the county court. When ruling on the appeal, the court would have to consider the matter as a new case and, if requested by any party, hold a jury trial.

The laws made in these provisions would have standing in case of any conflict with other parts of Texas statute.

The changes made in CSHB 963 would apply only to proceedings on or after the bill's effective date of September 1, 2011.

**SUPPORTERS  
SAY:**

CSHB 963 would standardize the appellate process for persons who have lost ownership of their animals due to a civil case on animal cruelty. This process was amended by SB 408 during the 81st Legislature, but since a person could appeal from a justice court, a municipal court, or a municipal court of record, the process was too inconsistent.

CSHB 963 would better define the costs incurred by the court, thereby creating a more standard bond amount. This would protect the courts by ensuring that they were adequately reimbursed for their costs. It also would protect defendants by prohibiting courts from assessing a bond amount higher than cost.

By requiring the court to hear the appeals case as new and giving the option for a jury trial, the bill would quicken the process, thereby lowering costs and resolving the issue for both the owner and the animal in a more timely manner.

OPPONENTS  
SAY:

CSHB 963 would make the appellate process far too costly for persons trying to reclaim their animal ownership privileges. As a prerequisite for an appeal, CSHB 963 would mandate that the person pay a bond to include cost of the investigation, expert witnesses, auction, and potential killing of the animal. Additionally, he or she would have to pay for the shelter of the animal, not just through the appellate process, but from the initial proceedings. If the person won the appeal, much of the bond would be reimbursed, but since bonding companies charge a nonrefundable fee, the owner would not be repaid the full amount.

NOTES:

The companion bill, SB 541 by Carona, was referred to the Senate Criminal Justice Committee on February 17.