

SUBJECT: Allowing transfer of retired law enforcement animal to qualified caretaker

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 9 ayes — Nevárez, Paul, Burns, Calanni, Clardy, Goodwin, Israel, Lang, Tinderholt

0 nays

WITNESSES: For — Chris Barnes, Sheriffs' Association of Texas; (*Registered, but did not testify*: Ian Randolph, Animal Legal Defense Fund; Justin Berry, Austin Police Association; Chris Jones, Combined Law Enforcement Associations of Texas; Bill Kelly, City of Houston Mayor's Office; Walter West II (RET), Republican Party of Texas and Texas Senate District 4; Jimmy Rodriguez, San Antonio Police Officers Association; Murray Agnew, Texas Sheriff's Association; Micah Harmon, Sheriffs' Association of Texas; Monty Wynn, Texas Municipal League; Andrew Holley)

Against — None

DIGEST: CSHB 3063 would allow a 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 if the head of a law enforcement agency deemed the animal suitable for transfer and surplus to the agency's needs. The animal could be surplus to agency needs if the animal was at the end of its working life or subject to circumstances that justified its transfer before the end of its working life, including the death or medical retirement of the animal's handler as a result of injuries sustained in the line of duty.

A law enforcement animal could be transferred only to a person who was capable of humanely caring for the animal and selected by the head of the law enforcement agency in the following order of priority:

- the animal's former handler;
- the parent, child, spouse, or sibling of the animal's former handler;
- a former handler other than the most recent handler;
- a peace officer, county jailer, or telecommunicator; or
- another person.

If more than one person requested to receive the animal, the head of the law enforcement agency would have to determine which of the transferees would best serve the interest of the animal and the applicable agency or subdivision.

A contract could provide the transfer without charge and would have to include requirements related to the transferee's humane care of the animal, including the transferee notifying the state agency or political subdivision if the transferee no longer was able to care for the animal.

An entity that transferred an animal would not be liable in a civil action for any damages arising from the transfer, including from the animal's law enforcement training, and would not be liable for veterinary expenses, including those associated with care for a condition that existed before transfer.

This bill would not require an animal to be transferred, affect an entity's authority to care for retired law enforcement animals, or waive sovereign or governmental immunity to suit and from liability of the entity transferring the animal.

Laws governing the disposition of surplus or salvage property by the state or counties would not apply to the transfer of a law enforcement animal under the bill.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

SUPPORTERS

CSHB 3063 would address concerns that current law is not clear with

SAY: regard to the retirement of a law enforcement animal to its handler's care upon the animal's retirement. Sections of the Texas Constitution generally prohibit a state entity from transferring valuable property to a private person without payment, and Texas law classifies domestic animals as property, causing confusion as to whether a law enforcement agency may transfer a retired law enforcement animal into its handler's care for little to no fee. Some counties have been concerned that they would have to hold a public auction to transfer custody of a retired law enforcement animal. CSHB 3063 is necessary to allow the Legislature to clarify the humane practice of retiring these law enforcement animals to their former handlers.

CSHB 363 would honor the bond between a law enforcement animal and its handler by allowing these animals to retire in the homes where they live. Law enforcement K-9s go home with their handler every day while in service, which for some dogs could be around 10 years. For this reason, law enforcement agencies should be allowed to retire these animals to the homes they have been in their entire lives, ensuring the continued humane care for these animals.

**OPPONENTS
SAY:** No concerns identified.

NOTES: CSHB 3063 is the enabling legislation for HJR 96 by Tinderholt, which is set for second-reading consideration on today's Constitutional Amendments Calendar.