

BILL ANALYSIS

Senate Research Center
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S.B. 188
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 188 extends protection to individuals who act in good faith to rescue an animal that is trapped in a vehicle and in imminent danger. To act in good faith the individual must call law enforcement, check that there is no way for the animal to leave without assistance, that no vehicle doors are unlocked, use no more force than necessary, and stay with the animal until a first responder arrives.

Currently, Texas Penal Code includes offenses for animal torture and confining an animal in a cruel manner. However, there is a lack of clarity for law enforcement regarding whether leaving a domestic animal in a motor vehicle under severe conditions is an offense and if they have a duty to rescue that animal. Additionally, the owner of the vehicle may attempt to charge the Good Samaritan who rescues the animal from a motor vehicle.

This issue is particularly important in Texas. In 2014, San Francisco University found that Texas was the nationwide leader of hot-car deaths, as extreme temperatures put animal lives in danger. Currently, 23 states have laws protecting certain individuals who rescue domestic animals from vehicles to prevent imminent harm to the animal.

As proposed, S.B. 188 amends current law relating to civil or criminal liability for transporting in, confining in, or removing from a motor vehicle certain 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 Title 4, Civil Practice and Remedies Code, by adding Chapter 92A, as follows:

CHAPTER 92A. LIMITATION OF LIABILITY FOR REMOVING CERTAIN ANIMALS FROM MOTOR VEHICLE

Sec. 92A.001. DEFINITIONS. Defines "domestic animal" and "motor vehicle."

Sec. 92A.002. LIMITATION OF LIABILITY. Provides that a person who, by force or otherwise, enters a motor vehicle for the purpose of removing a domestic animal from the vehicle is immune from civil liability for damages resulting from that entry or removal if the person makes certain determinations beforehand and follows certain procedures.

SECTION 2. Amends Chapter 9, Penal Code, by adding Subchapter G, as follows:

SUBCHAPTER G. PROTECTION OF CERTAIN ANIMALS IN MOTOR VEHICLES

Sec. 9.71. DEFINITION. Defines "animal" and "motor vehicle."

Sec. 9.72. JUSTIFIED REMOVAL OF ANIMAL FROM MOTOR VEHICLE. Provides that a person's conduct is justified when the actor, by force or otherwise, enters a motor vehicle for the purpose of removing an animal from the vehicle if the actor makes certain determinations; has a good faith and reasonable belief, based on known circumstances, that entry into the motor vehicle is necessary to avoid imminent harm to the animal; before or immediately after entering the motor vehicle, ensures that law enforcement is notified or 911 is called; uses no more force than necessary to enter the motor vehicle; remains with the animal in a safe location in reasonable proximity to the motor vehicle until a first responder arrives; and transfers control of the animal to the first responder on the first responder's arrival.

SECTION 3. Amends Section 42.092(a), Penal Code, by adding Subdivision (6-a), to define "motor vehicle."

SECTION 4. Amends Section 42.092(b), Penal Code, by providing that a person commits an offense if the person intentionally, knowingly, or recklessly tortures or in a cruel manner kills or causes serious injury to an animal, or transports or confines an animal in a cruel manner, including by depriving an animal of adequate ventilation or exposing an animal in a motor vehicle to prolonged and life-threatening heat or cold without providing proper protection for the animal.

SECTION 5. (a) Makes application of Chapter 92A, Civil Practice and Remedies Code, as added by this Act, prospective.

(b) Makes application of Subchapter G, Chapter 9, Penal Code, and Section 42.092, Penal Code, as added and amended by this Act, prospective. Provides that an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 6. Effective date: September 1, 2017.