

By: Farrar

H.B. No. 748

A BILL TO BE ENTITLED

AN ACT

relating to certain costs associated with certain court proceedings
for cruelly treated animals; authorizing fees and costs.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 821.023(e), Health and Safety Code, is
amended to read as follows:

(e) After a court finds that an animal's owner has cruelly
treated the animal, the court:

(1) in a county or municipality with a population of at
least 700,000, may order the owner to pay the county's or
municipality's reasonable attorney's fees; and

(2) shall order the owner to pay all court costs,
including:

(A) ~~[(1)]~~ the administrative costs of:

(i) ~~[(A)]~~ investigation;

(ii) ~~[(B)]~~ expert witnesses; and

(iii) ~~[(C)]~~ conducting any public sale
ordered by the court; and

(B) ~~[(2)]~~ the costs incurred by a municipal or
county animal shelter or a nonprofit animal welfare organization
in:

(i) ~~[(A)]~~ housing and caring for the animal
during its impoundment; and

(ii) ~~[(B)]~~ humanely destroying the animal

1 if destruction is ordered by the court.

2 SECTION 2. Section 821.025, Health and Safety Code, is
3 amended by adding Subsection (i) to read as follows:

4 (i) In a county or municipality with a population of at
5 least 700,000, a county court or county court at law that issues a
6 decision in an appeal under this section finding that an animal's
7 owner has cruelly treated the animal may order the owner to pay the
8 county's or municipality's reasonable attorney's fees and court
9 costs, including the costs of investigation and expert witnesses.

10 SECTION 3. Section 103.0214, Government Code, is amended to
11 read as follows:

12 Sec. 103.0214. ADDITIONAL FEES AND COSTS IN CRIMINAL OR
13 CIVIL CASES: HEALTH AND SAFETY CODE. An accused or defendant, or a
14 party to a civil suit, as applicable, shall pay the following fees
15 and costs under the Health and Safety Code if ordered by the court
16 or otherwise required:

17 (1) a fee to defray the cost of notifying state
18 agencies of orders of expungement (Sec. 161.255, Health and Safety
19 Code) . . . \$30 per application; and

20 (2) on a finding that an animal's owner has cruelly
21 treated the animal, court costs including:

22 (A) investigation (Secs. [~~Sec.~~] 821.023 and
23 821.025, Health and Safety Code) . . . actual costs;

24 (B) expert witnesses (Secs. [~~Sec.~~] 821.023 and
25 821.025, Health and Safety Code) . . . actual costs;

26 (C) housing and caring for the animal during its
27 impoundment (Sec. 821.023, Health and Safety Code) . . . actual

1 costs;

2 (D) conducting any public sale ordered by the
3 court (Sec. 821.023, Health and Safety Code) . . . actual costs;
4 ~~[and]~~

5 (E) humanely destroying the animal if
6 destruction is ordered by the court (Sec. 821.023, Health and
7 Safety Code) . . . actual costs; and

8 (F) reasonable attorney's fees (Secs. 821.023
9 and 821.025, Health and Safety Code) . . . actual costs.

10 SECTION 4. The change in law made by this Act applies only
11 to a proceeding commenced under Section 821.023 or 821.025, Health
12 and Safety Code, on or after the effective date of this Act. A
13 proceeding commenced before the effective date of this Act is
14 governed by the law as it existed at the time the proceeding was
15 commenced, and the former law is continued in effect for that
16 purpose.

17 SECTION 5. This Act takes effect September 1, 2017.