



**OPPOSE HB 234 by Farrar
Relating to fees and court costs
For cruelly treated animal cases**

-  Civil animal cruelty cases are actually property cases. Upon a finding of cruelty by a judge, an owner is divested of his or her property, the animals.
-  The real purpose behind this bill is to make an appeal for an animal cruelty case cost prohibitive.
-  The owner does not get the right to a trial by jury until the appeal, so the owner can be forever divested of his or her animals and never get a jury because of the cost of the appeal. This is patently unfair because not all animal cruelty cases are meritorious.
-  If this law is passed then the judge can order that the owner pay attorney fees. This is in addition to other costs that are mandated including investigation, expert fees and housing for the animals.
-  The real kicker is that all of these expenses are included in setting the bond, including any attorney fees. The real purpose behind this bill is to make an appeal for an animal cruelty case cost prohibitive. The newly proposed law importantly does not include the language of the present law in calculating the appeal bond so that the reader can discern the true purpose of this law.
-  This bill would add attorney fees of the city or county that participates in finding an animal owner cruel. The city or county attorney who is paid by tax dollars could seek attorney fees in civil animal cruelty cases. The government cannot seek attorney fees from a convicted murderer yet this law would allow them to be recovered in a civil property case. Importantly, if the animal owner is not found to be cruel, then the owner cannot recover attorney fees.

A BILL TO BE ENTITLED
AN ACT

relating to the costs associated with proceedings regarding 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 may order the owner to pay the county's or municipality's reasonable attorney's fees, and shall order the owner to pay all court costs, including:

(1) the administrative costs of:

(A) investigation;

(B) expert witnesses; and

(C) conducting any public sale ordered by the court; and

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

(A) housing and caring for the animal during its impoundment; and

(B) humanely destroying the animal if destruction is ordered by the court.

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

(i) After a county court or county court at law finds that an animal's owner has cruelly treated the animal, the court may order the owner to pay the county's or municipality's reasonable attorney's fees and court costs, including the costs of investigation and expert witnesses.

SECTION 3. The change in law made by this Act applies only to a proceeding commenced under Section 821.023 or 821.025, Health and Safety Code, on or after the effective date of this Act. A proceeding commenced before the effective date of this Act is covered by the law in effect at the time the proceeding is commenced, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2015.