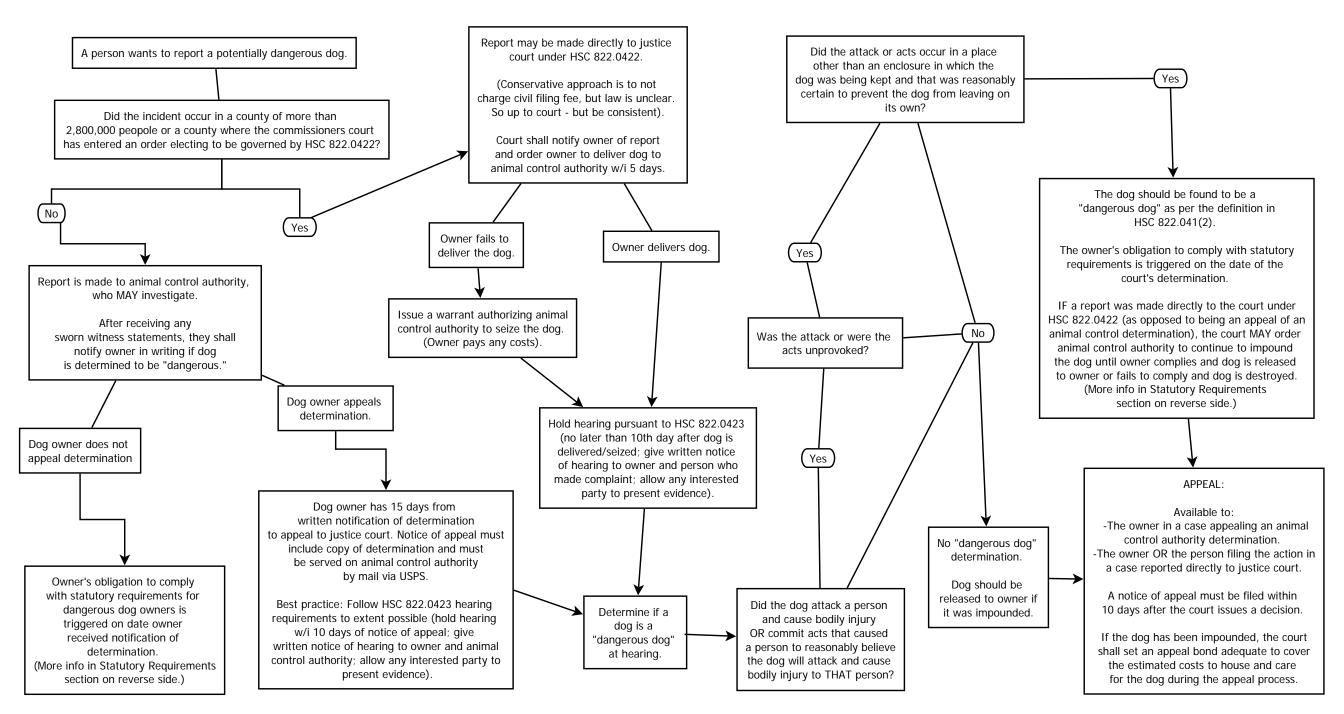
Dangerous Dogs Administrative Hearings (Apply Texas Rules of Civil Procedure to the Extent Possible) Procedure When a Complaint is Filed About a Potentially Dangerous Dog or a Determination by an Animal Control Authority is Appealed

Health and Safety Code: Sections 822.041, .0421, .0422, .0423, .0424



Dangerous Dogs Adminstrative Hearings (Apply Texas Rules of Civil Procedure to the Extent Possible)

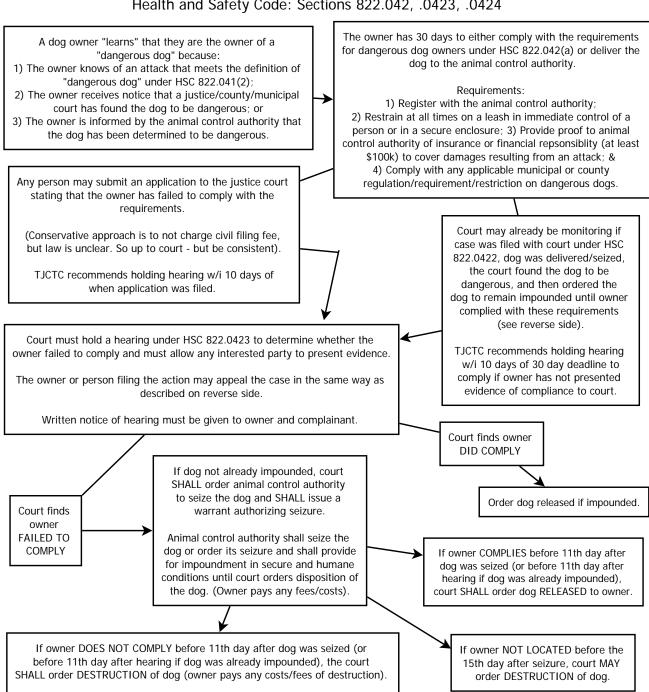
Procedure When a Dog Causes Death or Serious Bodily Injury Health and Safety Code: Sections 822.001, .002, .003 Any person (including a county attorney, city attorney, or peace officer) may file a sworn complaint directly w/ the justice court alleging that a dog has Does the court find that the caused serious bodily injury or death by attacking, biting, or mauling a person. complaint establishes probable cause that the dog caused (Conservative approach is to not charge a civil filing fee, but law is unclear. the DEATH of a person? So up to court - but be consistent). No Court shall issue a warrant ordering animal control authority to seize the dog. Yes Does the court find that the complaint establishes probable cause that the dog Animal control authority shall seize dog or order caused SERIOUS BODILY INJURY to a person? its seizure and provide for impoundment in secure and humane conditions until the court orders (An injury characterized by severe bite disposition of the dog. wounds or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional Court finds that dog Court must hold hearing no later and would require hospitalization, did NOT cause death whether or not the person actually than 10th day after warrant is issued OR serious bodily sought medical treatment). and must allow any interested party to injury of a person. present evidence. Ruling of court MAY NOT be appealed. No Written notice of hearing must be given to Court MUST order dog released to dog's owner and person who made complaint. owner, person from whom dog was seized, or any other person authorized Dismiss the to take possession. case. Court finds that dog DID cause SERIOUS BODILY INJURY to a person. Court finds that dog DID cause DEATH Court MUST order dog destroyed. of a person. The court MAY order dog destroyed or MAY order dog released. **EXCEPTIONS:** Even if the court finds that a dog DID cause SERIOUS BODILY INJURY, the court MAY NOT ORDER THE DOG DESTROYED IF any of the exceptions under HSC 822.003(f) apply: 1) Dog was being used for protection of a person/their property; attack/bite/mauling occurred in dog's enclosure which was reasonably certain to prevent escape and warned of presence of dog; and injured person was at least 8 years old and was trespassing in enclosure. 2) Dog was NOT being used for protection; attack occurred in dog's enclosure; and injured person was at least 8 years old and was trespassing in enclosure. 3) Attack/bite/mauling occurred during an arrest/other action of a peace officer while using dog for law enforcement.

4) Dog was defending a person from an assault, propoerty damage, or theft being committed by the injured person.

person under 8 years old from entering.

5) Injured person was under 8 years old; attack occurred in dog's enclosure; and enclosure was reasonably certain to keep a

Statutory Requirements for Owners / Procedure If Requirements Not Followed Health and Safety Code: Sections 822.042, .0423, .0424



If case is appealed, dog MUST NOT be destroyed pending appeal.