

Dangerous Dogs Administrative Hearing Type 4
Procedure When an Owner of a Dangerous Dog Fails to Follow the Statutory Requirements for a Dangerous Dog Owner
Health and Safety Code: Sections 822.042, .0423, .0424

A dog owner "learns" that they are the owner of a "dangerous dog" because:

- 1) The owner knows of an attack that meets the definition of "dangerous dog" under HSC 822.041(2);
- 2) The owner receives notice that a justice, county, or municipal court has found the dog to be dangerous; or
- 3) The owner is informed by the animal control authority that the dog has been determined to be dangerous.

The owner has 30 days to either comply with the requirements for dangerous dog owners under HSC 822.042(a) or deliver the dog to the animal control authority.

Requirements:

- 1) Register with the animal control authority;
- 2) Restrain at all times on a leash in immediate control of a person or in a secure enclosure;
- 3) Provide proof to animal control authority of insurance or financial responsibility (at least \$100k) to cover damages resulting from an attack; &
- 4) Comply with any applicable municipal or county regulation, requirement, or restriction on dangerous dogs.

An Application is Filed with the Court:

Any person may submit an application to the justice court stating that the owner has failed to comply with the requirements. (Conservative approach is to not charge civil filing fee, but law is unclear. So up to court - but be consistent). TJCTC recommends holding hearing within 10 days of when application was filed.

Court is Monitoring Owner for Compliance:

Court may already be monitoring if case was filed with court under HSC 822.0422, dog was delivered or seized, the court found the dog to be dangerous, and then ordered the dog to remain impounded until owner complied with these requirements. (See Flowchart on Hearing Types 2 and 3.) TJCTC recommends holding hearing within 10 days of 30-day deadline to comply if owner has not presented evidence of compliance to court.

Court must hold a hearing under HSC 822.0423 to determine whether the owner failed to comply and must allow any interested party to present evidence.
Written notice of hearing must be given to owner and complainant.

Court finds owner **FAILED TO COMPLY**.

Court finds owner **DID COMPLY**.

If dog not already impounded, court SHALL order animal control authority to seize the dog and SHALL issue a warrant authorizing seizure.
Animal control authority shall seize the dog or order its seizure and shall provide for impoundment in secure and humane conditions until court orders disposition of the dog. (Owner pays any fees and costs).

Order dog released if impounded.

If owner **NOT LOCATED** before the 15th day after seizure, court **MAY** order **DESTRUCTION** of dog.

If owner **DOES NOT COMPLY** before 11th day after dog was seized (or before 11th day after hearing if dog was already impounded), the court **SHALL** order **DESTRUCTION** of dog (owner pays any costs and fees of destruction).

If owner **COMPLIES** before 11th day after dog was seized (or before 11th day after hearing if dog was already impounded), court **SHALL** order dog **RELEASED** to owner.

The applicant or the owner may appeal by filing a notice of appeal and, if applicable, an appeal bond as determined by the court.
Appeal must be filed within 10 days after the date the decision was issued.
Amount of appeal bond is based on estimated costs to house and care for an impounded dog pending the appeal.
Dog may not be destroyed pending appeal.