

Dangerous Dogs & Cruelly Treated Animals

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Agenda and Resources

- First half of class: Cruelly Treated Animals – Brief Overview & Scenarios
- Second half of class: Dangerous Dogs – Brief Overview & Scenarios
- **Note:** Not all aspects and procedures of these proceedings will be covered. For detailed procedures and citations to statutes, see TJCTC's Administrative Proceedings Deskbook Chapters 2 & 4:
<https://www.tjctc.org/tjctc-resources/deskbooks.html>
- Additional **www.tjctc.org** resources: webinar, flowcharts, numerous forms
- Your additional handouts:
 - TJCTC Flowcharts – **grab these now** – you'll use them later to help answer the scenarios!

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Cruelly Treated Animals

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Definition of “Cruelly Treated” – HSC Sec. 821.021(1)

"Cruelly treated" includes:

- Tortured;
- Seriously overworked;
- Unreasonably abandoned;
- Unreasonably deprived of necessary food, care, or shelter;
- Cruelly confined;
- Caused to fight with another animal; or
- Subjected to conduct prohibited by Penal Code Sec. 21.09 (Bestiality)

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Overview

- Animal control/peace officer applies for animal seizure warrant.
- If PC exists that animal was cruelly treated, judge issues warrant.
- Hearing:
 - If court finds no cruelty – court orders animal returned to owner.
 - If court finds cruelty – court orders owner to pay all court costs and one of the following:
 - public sale of animal,
 - surrender of animal to a shelter, or
 - humane destruction of animal (if in best interests of the animal or for public health and safety).

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Example: Multiple Animal Seizure

- <https://abc13.com/animals-rescue-seizure-lawsuit/5988730/>

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Discussion

- How would your county handle it if numerous animals had to be impounded at once? If you don't know, who might?
- What if there are animals that need specialized containment or care?

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Body Scores

0-3 = Underweight 4-5 = Healthy 6-9 = Overweight



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Cruelly Treated Animals Scenario 1

- What body score do you think was given to this dog?
- Is this evidence of cruel treatment?



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Cruelly Treated Animals Scenario 2

Multiple abandoned dogs left chained up with no access to food or water.

1. Does this meet the definition of cruelty?
2. What if they were only left for a couple hours like this? Would that meet the definition?



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Cruelly Treated Animals Scenario 3

- Multiple dogs to a crate in a van. It was hot out, but the doors were open and they had food/water.
- Does this meet the definition of cruelty? Is there any additional info you would want?



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Cruelly Treated Animals Scenario 4

Your court is hearing a case where the allegation of cruelty is that two children mistreated their family dog. There is a video of a 15-year-old and a 7-year-old using a dog's leash to swing it around in the air in a circle and then letting go so that the dog flies through the air before hitting the ground. The dog is yelping and crying.

1. Does this meet the definition of cruel treatment?
2. Does the fact that the actions were done by minors impact the court's options?

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Cruelly Treated Animals Scenario 5

Can the owner of an animal appeal their case using a Statement of Inability? Why or why not?

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Dangerous Dogs

- Serious Bodily Injury/Death Cases
- “Dangerous Dog” Determinations
- Orders When “Dangerous Dog” Owner Fails to Comply with Statutory Requirements

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4 Types of Hearings – Type 1

A complaint is filed with the court that a dog has allegedly caused death or serious bodily injury to a person. If PC, Judge issues warrant for seizure of dog.



At hearing, judge determines whether the dog caused death or serious bodily injury and decides the disposition of the dog (destroyed or returned to owner).



If caused *death* = MUST order dog destroyed.



If caused *serious bodily injury* = MAY order dog destroyed UNLESS an exception applies, and then MAY NOT.

Definition of *Serious Bodily Injury*:

an injury characterized by severe bite wounds or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment.

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4 Types of Hearings – Types 2 & 3

A person wants to report a potentially dangerous dog.

Report is made to animal control authority.

Owner may APPEAL animal control determination to Justice Court.

If county has more than 2.8 million people or has elected to be governed by HSC 822.0422 –

Report is made directly to Justice Court under HSC 822.0422. Court notifies owner to deliver dog to animal control/issues seizure warrant if they don't.

At hearing, judge determines if the dog is a "dangerous dog." (If yes, statutory req.'s for dangerous dog owners are triggered)

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Definition of "Dangerous Dog" – HSC Sec. 822.041(2)

- Makes an **unprovoked attack** on a person that causes **bodily injury** and occurs in a **place other than an enclosure** in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own;

or

- Commits **unprovoked acts in a place other than an enclosure** in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts **cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.**

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4 Types of Hearings – Type 4

An owner of a “dangerous dog” has allegedly failed to comply with the statutory requirements for a dangerous dog owner.

Any person may submit an application to the court alleging this.

Court may already be monitoring if heard case under Hearing Type 3 (report made directly to justice court under HSC 822.0422) and ordered dog to remain impounded until owner complied with requirements.

At hearing, judge determines whether owner failed to comply with statute, and if so, issues seizure warrant if dog is not already impounded and ultimately orders destruction of the dog if noncompliance continues after a certain amount of time

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Dangerous Dogs Scenario 1

In a Type 1 case, a court has found PC to issue a warrant for the seizure of the dog. But the county doesn't have an animal control office.

1. According to the statute, who is the “animal control authority” when there is no animal control office with authority over the area?
2. What other resources/entities might be helpful in areas without an animal control office?

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Dangerous Dogs Scenario 2

An adult trespassed in a secured back yard and was breaking into the shed in the yard. The family dog attacked and killed the person.

- What are the court's options?

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Dangerous Dogs Scenario 3

A man was providing lawn services when his client's dog escaped from its pen and attacked. The man lost his eye.

- What are the court's options? How would you rule?

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Dangerous Dogs Scenario 4

The injury in this photo was caused in a dog attack.

- Would you determine that this is serious bodily injury or not?



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Dangerous Dogs Scenario 5

A chihuahua attacked a person. It left scratch marks that did not bleed, but were red. It also bit the person, and did not break the skin, but left bruises.

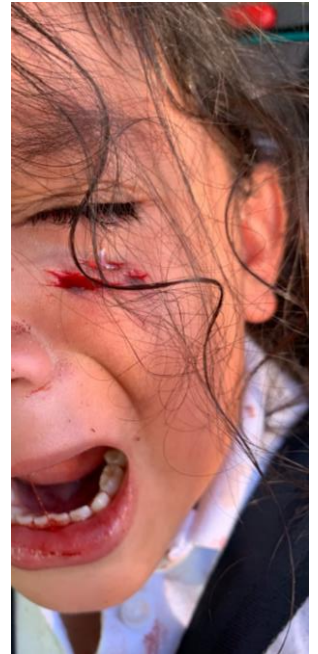
- Would you determine that this is serious bodily injury or not?

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Dangerous Dogs Scenario 6

The injuries in these photos were caused in a dog attack.

- Would you determine that this is serious bodily injury or not?



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Dangerous Dogs Scenario 7

A 10-year-old was trespassing on private property where a dog was kept on the property using an invisible fence. The dog attacked, causing the injury in the photo.

- What are the court's options?



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Dangerous Dogs Scenario 8

1. Is appeal an option for the different types of dog hearings?
2. What is the deadline?
3. What type of order is automatically stayed if issued by the court? For how long? Why?

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Questions?

Examples/Experiences to Share?

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