















Texas Health & Safety Code

Chapters 822.002–.004 vs. 822.041–.047

Quick Reference Comparison

 Category	 SBI (Serious Bodily Injury)	 DD (Dangerous Dog)
 Injury Required	Severe bite wounds or tearing of muscle requiring hospitalization	(1) Unprovoked attack causing bodily injury (pain), OR (2) behavior causing reasonable fear of attack
 Who Initiates	Sworn complaint by any person	Report to animal control authority
 Legal Standard	Probable cause	Probable cause
 Impound Authority	Animal control authority	Animal control authority
 Hearing Timeline	By the 10th day after warrant is issued (not seizure)	<ul style="list-style-type: none"> • Dangerousness determination: by 10th day after seizure (in qualifying counties) • Compliance issues: by 10th day after seizure
 Notice Requirements	Written notice to owner and complainant	Notice to owner of dangerous dog designation
 Provocation	<ul style="list-style-type: none"> • Death: NOT considered • SBI (non-fatal): may be considered 	Must be unprovoked
 Location / Enclosure	Relevant to statutory defenses	Must occur outside the dog's enclosure
 Outcome	<ul style="list-style-type: none"> • Death: euthanasia mandatory • SBI (non-fatal): euthanasia discretionary • No SBI: dog released 	Dog returned to owner; 30 days to comply with requirements
 Defenses	Statutory defenses apply (e.g., protection of person/property, location, victim age)	<ul style="list-style-type: none"> • Provocation • No reasonable belief of harm • Dog was in enclosure
 Appeals	Follows Dangerous Dog appeal procedures	<ul style="list-style-type: none"> • 15 days: appeal to JP court • 10 days: appeal to County Court/CCL

New legislation in TX Trans. Code Sec. 285.001 from 89th Legislative

Session (2025): Since 2007, only counties with at least 1.3 million residents could regulate outdoor animal sales in Texas. The new laws expand that power to counties with over 600,000 residents that border another county with more than 4 million people. Counties newly granted this authority include Fort Bend, Montgomery, El Paso, Cameron, Webb and Hidalgo...and along the RGV border with Mexico. These counties now join Harris County and the cities of Austin, Dallas, San Antonio and Fort Worth — which have all banned roadside sales of dogs and cats.

Cases for Reference:

Related to setting animal cruelty disposition hearing within 10 days:

- The following cases discuss the appeal not being heard in county court by the 10th day
- *In re Strachan*, 2012 WL 1833895 (Tex. App.—Dallas 2012)(mem. op.)→ county court loses jxn if hearing is not heard within 10 days. Since relator timely perfected appeal but county court (uh oh!) didn't hear it in time, it was like the entire case was dismissed and didn't happen...so he got his animals back BUT...
- *In re Brehmer*, 428 S.W.3d 920 (Tex. App.—Fort Worth 2014) cites *Strachan* and disagrees. Says a court doesn't lose jxn in animal seizure cases just because it didn't hear the case or set the hearing within the 10 day statutory deadline. Court states primary intent was to expedite process to get animal to safety and to the right person. There are no statutory consequences of this.

Related to effort to care for an animal:

- Some effort to care for an animal does not negate a failure to provide; lack of resources is not a defense to an animal cruelty seizure hearing
- *Martinez v. State*, 48 S.W.3d 273, 276-77 (Tex. App.—San Antonio 2001, pet. ref'd)
- *Matus v. State*, No. 10-08-00149-CR, 2011 Tex. App. LEXIS 2316, *12 (Tex. App.—Waco March 30, 2011, pet. ref'd)

Related to setting bond amount in a civil seizure appeal:

- Even if someone cannot afford, bond should be set.
- *Tex. City Animal Control v. Dixon*, No. CV66,854, 2012 Tex. Cnty. LEXIS 2058 (Tex. County Ct. Feb. 10, 2012)

Related to warrantless seizures being allowed:

- *Pine v. State*, 889 S.W.2d 625, 631 (Tex. App.—Houston [14th Dist.] 1994, no pet.)

Related to ability of owner to appeal an SBI case:

- *City of Dallas v. Dallas Pets Alive*, 566 S.W.3d 914 (Tex. App.—Dallas 2018, pet. denied)
- *Hayes v. State*, 518 S.W.3d 585 (Tex. App.—Tyler 2017, no pet.)

Related to an SBI hearing must be called within 10 days

- AG Opinion, KP-0284 (2020)

Related to animals being a unique type of property:

- *Strickland v. Medlen*, 397 S.W.3d 184 (Tex. 2013)