

CHAPTER 532

H.B. No. 773

An Act relating to the regulation of guard dog companies; providing penalties.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 2(8), Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended to read as follows:

(8) "Guard dog company" means any person that places, leases, rents, or sells an animal for the purpose of protecting *individuals or property* and/or any person [~~or company~~] that *trains* [~~is contracted to train~~] an animal for the purpose of protecting *individuals or property*.

SECTION 2. The Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes) is amended by adding Section 14A to read as follows:

Sec. 14A. GUARD DOG COMPANIES. (a) After consulting the Texas Department of Health, the board shall adopt rules to ensure that the areas in which a guard dog company houses,

exercises, or trains its animals are securely enclosed by six-foot chain link fences or other means of equal security.

(b) In addition to the qualifications required under Section 14 of this Act, an applicant for a license to engage in the business of a guard dog company must present evidence satisfactory to the board that the applicant will comply with the rules adopted under this section.

(c) The board shall conduct regular inspections to ensure compliance with the rules adopted under this section.

SECTION 3. Section 44, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 44. PENAL PROVISIONS. *(a) Any person who knowingly falsifies the fingerprints or photographs submitted under Subdivisions (6) and (7) of Subsection (a), Section 15, commits an offense. An offense under this subsection is a felony of the third degree [is guilty of a felony and upon conviction is punishable by imprisonment in the penitentiary for not more than five years].*

(b) A licensee that operates a guard dog company commits an offense if the licensee fails to provide necessary food, care, or shelter for an animal used by the guard dog company. An offense under this subsection is a Class A misdemeanor.

(c) Any person who violates any provision [of the other provisions] of this Act for which a specific penalty is not prescribed commits an offense. An offense under this subsection is a Class A misdemeanor [is guilty of a misdemeanor punishable by fine not to exceed \$500 or by imprisonment in the county jail not to exceed one year, or both].

SECTION 4. (a) This Act takes effect September 1, 1985.

(b) A person who, on the effective date of the rules adopted under Section 2 of this Act, is operating as a licensed guard dog company may continue to act in that capacity for the term of the person's license without meeting the requirements imposed by the rules. On renewal of the license or on application for a new license, the person must meet the requirements imposed by the rules.

(c) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(d) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 16, 1985, by a non-record vote; passed by the Senate on May 24, 1985, by the following vote: Yeas 29, Nays 0.

Approved: June 12, 1985

Effective: August 26, 1985