

(10) COURT ENTERS JUDGMENT AND SETS AMOUNT OF APPEAL BOND

(11) Fourth Question for Court: How much should appeal bond be?

Set the amount of the appeal bond equal to the sum of:

- (a) the amount of the court costs ordered under step 8; and
- (b) the amount of the estimated costs determined under step 9

**Court may not require a bond in an amount greater than or in addition to this amount*

THE APPEAL:

Owner makes decision whether to appeal

Does owner appeal?

NO

YES

Court shall move forward with ordered disposition from step 7

(12) Owner has 10 calendar days to appeal and file cash or surety bond in set amount

(13) Court then has 5 calendar days to deliver clerk's record to county court or county court at law

(14) County court then has 10 calendar days to consider the appeal

**Appeal is de novo*
**Appellant is entitled to jury trial on request*

County court decision is FINAL

If owner appeals, animal may not be sold, given away, or destroyed unless necessary to prevent undue pain or suffering during pendency of appeal

Chapter 821, Subchapter B, Health and Safety Code

Cruelly-Treated Animal Hearing Process

Cruelly-Treated Animal Hearing Process

BEGINNING THE PROCESS:

Chapter 821, Subchapter B,
Health and Safety Code

(1) Officer
applies for
seizure
warrant

Question for Judge:
Is there probable cause to believe
animal has been or is being cruelly
treated?

Judge
does not
issue
seizure
warrant

NO

YES

(2) Judge issues seizure warrant
and sets hearing date for within
10 days

(3) Officer executes
seizure warrant,
impounds animal,
and gives owner
notice of hearing

THE HEARING:

NO

(4) First Question for Court:
Did owner cruelly treat the animal?

Court orders animal
be returned to owner

YES

(5) Court orders owner be
divested of ownership of
the animal

(6) Second Question for Court:
What happens to the animal?

(8) Order owner to pay court costs, including:

- Administrative costs of
 - investigation
 - expert witnesses
 - conducting any public sale if so ordered*
- Costs incurred by municipal or county animal shelter or nonprofit animal welfare organization in
 - housing/caring for animal during impoundment
 - humanely destroying animal if so ordered*

*this will depend on answer to second question.

CHOOSE ONE OF THE 3:

(7a) Order animal be
sold at public auction

May order animal be fixed
at buyer's cost

(7b) Order animal be
given to a municipal or
county animal shelter or
a nonprofit animal
welfare organization

May order animal be fixed at
receiver's cost

(7c) Order animal be
humanely destroyed if in
best interest of animal or
public health and safety

Post notice
of auction

Conduct
public sale

If animal
sells

If animal does
not sell

Proceeds from
sale go first to
court costs and
any excess
returned to
former owner

Use one of
the other
disposition
options

(9) Third Question for Court:

What are the estimated costs likely to be incurred by the municipal
or county animal shelter or nonprofit animal welfare organization to
house and care for the impounded animal during an appeal process
(25 days maximum)?

(10) COURT ENTERS JUDGMENT and sets appeal bond (see back side)