

TX-RPOA E-News

From RPOA Texas Outreach and
Responsible Pet Owners Alliance
"Animal welfare, not animal 'rights'
and, yes, there is a difference."
Permission granted to crosspost.

March 11, 2009

If you can't attend, you can still help.

Call, fax and email the members of the Judiciary & Civil Jurisprudence Committee listed below to tell them to SUPPORT HB 1046 allowing appeals in animal seizures. This bill is being vigorously opposed by Texas Humane Legislation Network and "animal rights" extremists. A similar bill failed to pass last session.

Please email rpoa@texas.net and let us know if you can attend this hearing Monday.

We'll send out a separate alert on the Pet Limits in County Subdivisions committee hearing which will be the same day but in the County Affairs Committee.

For a copy of this bill, go to www.capitol.state.tx.us and type in the bill number.

Thanks to Laura Dapkus for the committee's contact information below.

More information from Zandra Anderson, our attorney:

www.TexasDogLawyer.com

Subject: SUPPORT HB 1046: The TRUTH about an Appeal in Cruelty Cases

Support HB 1046: Right of an Appeal in a Cruelty Seizure-- Here's the TRUTH from someone who practices animal law and has represented owners FALSELY accused of cruelty:

If your animals were seized and you were falsely accused of cruelty you get ONE HEARING before ONE judge and the judge decided the fate of your animals FOREVER.

You can face testimony and/or evidence brought AGAINST you from:

1. County/city peace officers who seized your animals
2. County/city animal control
3. County/city attorneys
4. Any humane organization involved
5. Any other witnesses

AND all of this is brought in ONE HEARING before a County/City Judge. IF your animals are awarded to a humane organization or ordered killed, you get NO appeal. You do NOT get a trial, a jury or an appeal. This system is ripe for bias and unfairness.

If your animals are ordered auctioned at public sale, then you get an appeal. Sound SCARY? Well, that's the law.

HB 1046 will give all animal owners in a cruelty seizure case the right of an appeal IF the owner posts an appeal bond to cover the cost of care of the animals.

THLN, PETA & Houston SPCA have sent out similar email alerts with FALSE information about this bill!! Here is what they say and here is the TRUTH:

1. They say: It will make the case have two trials & there will be an entirely new trial---
THE TRUTH: The owner NEVER gets even ONE trial, only a HEARING.

2. They say: It will cost shelters, cities and counties greater expense and they won't prosecute cruelty cases-- THE TRUTH: The OWNER has to pay for the cost of care of the animals if he/she appeals. There are NO more expenses during an appeal to a shelter or local government because they are paid by the OWNER. The owner has post an appeal bond in order to get an appeal. If the owner cannot post the bond, then NO appeal.

3. They say: Seized animals are often in hundreds and are usually sick & will suffer--
THE TRUTH: The vast majority of cruelty seizures do not involve huge numbers of animals. Those are the ones you see on tv. AND, when the animals are seized they receive care right then and can be put down if need be. Appeals rarely occur in any kind of case. Appeals in extreme cases will be highly unlikely due to the outrageous cost for care.

4. They say: An appeal will drag things out--THE TRUTH: An appeal can be statutorily limited as to when it will be heard just like the hearing so there is a fast resolution. MOST cases are NEVER appealed and won't be if the law changes, but it gives a person the RIGHT to an appeal IF he/she can post the appeal bond for the care of the animals.

Why the Bill is Good: Support HB 1046:

---HB 1046 protects the animal owner who has been falsely accused and gets railroaded at these hearings.

---The Hearings are often within a day or two after the seizure (can be up to 10 days after the seizure) and the animal owner is racing around trying to find a lawyer which is hard to do when the hearing moves so quickly. So, oftentimes the owner is standing in court alone without representation with a host of people testifying against him. AND, he or she might even have Animal Planet's cameras on them.

---The owners lose and then are shocked to find out that this HEARING forever took their animals away.

---Restores a system of checks & balances by allowing for an appeal.

---Animals are seized BEFORE the owner can present a defense in court, so it is always harder to get something back. The system is tipped against the owner from the outset, so an appeal restores fairness.

---There is a stigma biased against anyone accused of animal cruelty just like someone accused of being a sex offender. Allegations are NOT always true, but the owner starts at a disadvantage. Providing an appeal is a way to help bring fairness to the process.

Have you ever been accused falsely of anything? Then SUPPORT HB 1046!!

The hearing on this bill is Monday, 3/16/09, and if anyone would like to attend it will be at the State Capitol in Austin, Room E2-010 at 2:00 pm.

Thank you for keeping an open mind despite the onslaught of emails from big humane organizations. I have represented owners falsely accused and their anguish is palpable. You, too, could be in these cross-hairs and it is very scary.

Zandra Anderson

www.TexasDogLawyer.com

Please contact the members of the Judiciary & Civil Jurisprudence Committee to tell them to SUPPORT HB 1046: FAXES and CALLS are BEST!!!!

Representatives Email 512- PHONE/ FAX

Todd Hunter (Chair) todd.hunter@house.state.tx.us 512 463-0672/ 463-2101

Bryan Hughes (Vice-Chair) bryan.hughes@house.state.tx.us 512 463-0271/463-1515

Roberto Alonzo roberto.alonzo@house.state.tx.us 512 463-0408/463-1817

Dan Branch dan.branch@house.state.tx.us 512 463-0367/322-9935

Will Hartnett will.hartnett@house.state.tx.us 512 463-0576/463-7827

Jim Jackson jim.jackson@house.state.tx.us 512 463-0468/463-1044

David Leibowitz david.leibowitz@house.state.tx.us 512 463-0269/320-0555

Tryon Lewis tryon.lewis@house.state.tx.us 512 463-0546/463-8067

Jerry Madden jerry.madden@house.state.tx.us 512 463-0544/463-9974

Armando "Mando" Martinez mando.martinez@house.state.tx.us 512 463-0530/463-0849

Beverly Woolley beverly.woolley@house.state.tx.us 512 463-0696/463-9333

Clerk: Jennifer Welch Phone: (512) 463-0790

RPOA Texas Outreach (501 C4)

Responsible Pet Owners Alliance (501 C3)

900 NE Loop 410 #311-D

San Antonio, TX 78209

Website: www.responsiblepetowners.org

\$15 Annual dues (January - December)

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