

By: Lucio

S.B. No. 1090

A BILL TO BE ENTITLED

AN ACT

relating to the unlawful restraint of a dog; creating an offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 821, Health and Safety Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. UNLAWFUL RESTRAINT OF DOG

Sec. 821.101. DEFINITIONS. In this subchapter:

(1) "Adequate shelter" means a clean and sturdy structure that:

(A) allows the dog protection from rain, hail, sleet, snow, and subfreezing temperatures; and

(B) is large enough to allow the dog to stand erect, sit, turn around, and lie down in a normal manner.

(2) "Collar" means any collar constructed of nylon, leather, or similar material, specifically designed to be used for a dog.

(3) "Harness" means any harness constructed of nylon, leather, or similar material, specifically designed to be used for a dog.

(4) "Owner" means a person who owns or has custody or control of a dog.

(5) "Properly fitted" means, with respect to a collar or harness used for a dog, a collar or harness that:

(A) is the appropriate size for the dog based on

1 the dog's size and body weight;

2 (B) does not choke the dog or impede the dog's
3 normal breathing or swallowing; and

4 (C) is attached to the dog in a manner that does
5 not allow for escape and does not cause pain or injury to the dog.

6 (6) "Restraint" means a chain, rope, tether, leash,
7 cable, or other device that attaches a dog to a stationary object or
8 trolley system.

9 Sec. 821.102. UNLAWFUL RESTRAINT OF DOG. (a) An owner may
10 not leave a dog outside and unattended by use of a restraint unless
11 the owner provides the dog access to:

12 (1) adequate shelter;

13 (2) an area that allows the dog to avoid standing
14 water;

15 (3) shade from direct sunlight; and

16 (4) potable water.

17 (b) An owner may not restrain a dog outside and unattended
18 by use of a restraint that:

19 (1) is a chain;

20 (2) has weights attached;

21 (3) is shorter in length than the greater of:

22 (A) five times the length of the dog, as measured
23 from the tip of the dog's nose to the base of the dog's tail; or

24 (B) 10 feet;

25 (4) is not attached to a properly fitted collar or
26 harness; or

27 (5) causes pain or injury to the dog.

1 Sec. 821.103. EXCEPTIONS. (a) Section 821.102 does not
2 apply to:

3 (1) a dog restrained in a public camping or
4 recreational area in compliance with the requirements of the public
5 camping or recreational area as defined by a federal, state, or
6 local authority or jurisdiction;

7 (2) a dog restrained while the owner and dog are
8 engaged in, or actively training for, an activity that is conducted
9 pursuant to a valid license issued by this state if the activity for
10 which the license is issued is associated with the use or presence
11 of a dog;

12 (3) a dog restrained while the owner and dog are
13 engaged in conduct directly related to the business of shepherding
14 or herding cattle or livestock;

15 (4) a dog restrained while the owner and dog are
16 engaged in conduct directly related to the business of cultivating
17 agricultural products; or

18 (5) a dog left in an open-air truck bed for no longer
19 than necessary for the owner to complete a temporary task that
20 required the dog to be left in the truck bed.

21 (b) Section 821.102(b)(3) does not apply to a restraint that
22 is attached to a trolley system that allows a dog to move along a
23 running line for a distance that equals or exceeds the lengths
24 specified under that subdivision.

25 (c) This subchapter does not prohibit a person from walking
26 a dog with a handheld leash.

27 Sec. 821.104. OFFENSE; PENALTY. (a) A person commits an

1 offense if the person knowingly violates this subchapter. The
2 restraint of each dog with respect to which there is a violation is
3 a separate offense.

4 (b) An offense under this subchapter is a Class C
5 misdemeanor, except that the offense is a Class B misdemeanor if the
6 person has previously been convicted under this subchapter.

7 (c) If conduct constituting an offense under this
8 subchapter also constitutes an offense under any other law, the
9 actor may be prosecuted under this section, the other law, or both.

10 Sec. 821.105. EFFECT OF SUBCHAPTER ON OTHER LAW. This
11 subchapter does not preempt a local regulation relating to the
12 restraint of a dog or affect the authority of a political
13 subdivision to adopt or enforce an ordinance or requirement
14 relating to the restraint of a dog if the regulation, ordinance, or
15 requirement:

16 (1) is compatible with and equal to or more stringent
17 than a requirement prescribed by this subchapter; or

18 (2) relates to an issue that is not specifically
19 addressed by this subchapter.

20 SECTION 2. Subchapter D, Chapter 821, Health and Safety
21 Code, is repealed.

22 SECTION 3. The change in law made by this Act applies only
23 to an offense committed on or after the effective date of this Act.
24 An offense committed before the effective date of this Act is
25 governed by the law in effect on the date the offense was committed,
26 and the former law is continued in effect for that purpose. For
27 purposes of this section, an offense was committed before the

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1 effective date of this Act if any element of the offense occurred
2 before that date.

3 SECTION 4. This Act takes effect September 1, 2017.