

1-1 By: Lucio, et al. S.B. No. 474
1-2 (In the Senate - Filed January 27, 2021; March 9, 2021, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 15, 2021, reported favorably by the following vote: Yeas 4,
1-5 Nays 0; April 15, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13			X	
1-14			X	

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the unlawful restraint of a dog; creating a criminal
1-18 offense.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Chapter 821, Health and Safety Code, is amended
1-21 by adding Subchapter E to read as follows:

1-22 SUBCHAPTER E. UNLAWFUL RESTRAINT OF DOG

1-23 Sec. 821.101. DEFINITIONS. In this subchapter:

1-24 (1) "Adequate shelter" means a clean and sturdy
1-25 structure:

1-26 (A) that allows the dog protection from rain,
1-27 hail, sleet, snow, and subfreezing temperatures; and

1-28 (B) with dimensions that allow the dog while in
1-29 the shelter to stand erect, sit, turn around, and lie down in a
1-30 normal position.

1-31 (2) "Collar" means a band constructed of nylon,
1-32 leather, or similar material, specifically designed to be placed
1-33 around the neck of a dog.

1-34 (3) "Harness" means a set of straps constructed of
1-35 nylon, leather, or similar material, specifically designed to
1-36 restrain or control a dog.

1-37 (4) "Owner" means a person who owns or has custody or
1-38 control of a dog.

1-39 (5) "Properly fitted" means, with respect to a collar
1-40 or harness, a collar or harness that:

1-41 (A) is appropriately sized for the dog based on
1-42 the dog's measurements and body weight;

1-43 (B) does not choke the dog or impede the dog's
1-44 normal breathing or swallowing; and

1-45 (C) is attached around the dog in a manner that
1-46 does not allow for escape and does not cause pain or injury to the
1-47 dog.

1-48 (6) "Restraint" means a chain, rope, tether, leash,
1-49 cable, or other device that attaches a dog to a stationary object or
1-50 trolley system.

1-51 Sec. 821.102. UNLAWFUL RESTRAINT OF DOG; OFFENSE. (a) An
1-52 owner may not leave a dog outside and unattended by use of a
1-53 restraint unless the owner provides the dog access to:

1-54 (1) adequate shelter;

1-55 (2) an area that allows the dog to avoid standing
1-56 water;

1-57 (3) shade from direct sunlight; and

1-58 (4) potable water.

1-59 (b) An owner may not restrain a dog outside and unattended
1-60 by use of a restraint that:

1-61 (1) is a chain;

- 2-1 (2) has weights attached;
 2-2 (3) is shorter in length than the greater of:
 2-3 (A) five times the length of the dog, as measured
 2-4 from the tip of the dog's nose to the base of the dog's tail; or
 2-5 (B) 10 feet;
 2-6 (4) is not attached to a properly fitted collar or
 2-7 harness; or
 2-8 (5) causes pain or injury to the dog.

2-9 (c) A person commits an offense if the person knowingly
 2-10 violates this section. The restraint of each dog that is in
 2-11 violation is a separate offense.

2-12 (d) An offense under this section is a Class C misdemeanor,
 2-13 except that the offense is a Class B misdemeanor if the person has
 2-14 previously been convicted under this section.

2-15 (e) If conduct constituting an offense under this section
 2-16 also constitutes an offense under any other law, the actor may be
 2-17 prosecuted under this section, the other law, or both.

2-18 Sec. 821.103. EXCEPTIONS. (a) It is an exception to the
 2-19 application of Section 821.102 that:

2-20 (1) the owner uses a restraint on the dog in a public
 2-21 camping or recreational area in compliance with the requirements of
 2-22 the public camping or recreational area as defined by a federal,
 2-23 state, or local authority or jurisdiction;

2-24 (2) the owner uses a restraint on the dog while the
 2-25 owner and dog engage in, or actively train for, an activity
 2-26 conducted under a valid license issued by this state provided the
 2-27 activity is associated with the use or presence of a dog;

2-28 (3) the owner uses a restraint on the dog while the
 2-29 owner and dog engage in conduct directly related to the business of
 2-30 shepherding or herding cattle or livestock;

2-31 (4) the owner uses a restraint on the dog while the
 2-32 owner and dog engage in conduct directly related to the business of
 2-33 cultivating agricultural products;

2-34 (5) the owner leaves the dog unattended in an open-air
 2-35 truck bed only for the time necessary for the owner to complete a
 2-36 temporary task that requires the dog to be left unattended in the
 2-37 truck bed;

2-38 (6) the owner, or another person with the owner's
 2-39 permission, takes the dog from the owner's residence or property
 2-40 and restrains the dog for not longer than the time necessary for the
 2-41 owner to engage in an activity that requires the dog to be
 2-42 temporarily restrained; or

2-43 (7) the owner uses a restraint on the dog while the
 2-44 owner and dog are engaged in, or actively training for, hunting or
 2-45 field trialing.

2-46 (b) Section 821.102(b)(3) does not apply to a restraint
 2-47 attached to a trolley system that allows a dog to move along a
 2-48 running line for a distance equal to or greater than the lengths
 2-49 specified under that subdivision.

2-50 (c) This subchapter does not prohibit a person from walking
 2-51 a dog with a handheld leash.

2-52 Sec. 821.104. EFFECT OF SUBCHAPTER ON OTHER LAW. This
 2-53 subchapter does not preempt a local regulation relating to the
 2-54 restraint of a dog or affect the authority of a political
 2-55 subdivision to adopt or enforce an ordinance or requirement
 2-56 relating to the restraint of a dog if the regulation, ordinance, or
 2-57 requirement:

2-58 (1) is compatible with and equal to or more stringent
 2-59 than a requirement prescribed by this subchapter; or

2-60 (2) relates to an issue not specifically addressed by
 2-61 this subchapter.

2-62 SECTION 2. Subchapter D, Chapter 821, Health and Safety
 2-63 Code, is repealed.

2-64 SECTION 3. The change in law made by this Act applies only
 2-65 to an offense committed on or after the effective date of this Act.
 2-66 An offense committed before the effective date of this Act is
 2-67 governed by the law in effect on the date the offense was committed,
 2-68 and the former law is continued in effect for that purpose. For
 2-69 purposes of this section, an offense was committed before the

3-1 effective date of this Act if any element of the offense occurred
3-2 before that date.

3-3 SECTION 4. This Act takes effect September 1, 2021.

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