

By: Goolsby

H.B. No. 521

A BILL TO BE ENTITLED

1 AN ACT

2 relating to restraining dogs with certain chains or tethers;
3 providing criminal penalties.

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

5 SECTION 1. Section 42.09, Penal Code, is amended by
6 amending Subsections (a) and (d) and by adding Subsection (j) to
7 read as follows:

8 (a) A person commits an offense if the person intentionally
9 or knowingly:

10 (1) tortures an animal;

11 (2) fails unreasonably to provide necessary food,
12 care, or shelter for an animal in the person's custody;

13 (3) abandons unreasonably an animal in the person's
14 custody;

15 (4) transports or confines an animal in a cruel
16 manner;

17 (5) kills, seriously injures, or administers poison to
18 an animal, other than cattle, horses, sheep, swine, or goats,
19 belonging to another without legal authority or the owner's
20 effective consent;

21 (6) causes one animal to fight with another;

22 (7) uses a live animal as a lure in dog race training
23 or in dog coursing on a racetrack;

24 (8) trips a horse;

1 (9) injures an animal, other than cattle, horses,
2 sheep, swine, or goats, belonging to another without legal
3 authority or the owner's effective consent; [~~or~~]

4 (10) seriously overworks an animal; or

5 (11) restrains a dog with a chain or tether attached to
6 a tree, stake, or other stationary object for eight or more hours in
7 a 24-hour period.

8 (d) An offense under Subsection (a)(2), (3), (4), (9), [~~or~~]
9 (10), or (11) is a Class A misdemeanor, except that the offense is a
10 state jail felony if the person has previously been convicted two
11 times under this section.

12 (j) It is an exception to the application of Subsection
13 (a)(11) that:

14 (1) the chain or tether is at least 10 feet in length;

15 (2) the chain or tether is attached to a pulley or
16 trolley-mounted cable no more than seven feet above ground level;

17 (3) the trolley cable is at least 25 feet in length;

18 and

19 (4) the restrained dog has access to adequate food,
20 water, and shelter.

21 SECTION 2. This Act takes effect September 1, 2005.