

By: Miller

H.B. No. 1961

A BILL TO BE ENTITLED

AN ACT

relating to the care and unlawful restraint of a dog.

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

SECTION 1. The heading to Subchapter D, Chapter 821, Health and Safety Code, is amended to read as follows:

SUBCHAPTER D. DOG LEFT OUTSIDE AND UNATTENDED; UNLAWFUL RESTRAINT
[~~OF DOG~~]

SECTION 2. Section 821.076, Health and Safety Code, is amended by adding Subdivision (1-a) and amending Subdivision (3) to read as follows:

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

(3) "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;

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

(C) is attached to the dog in a manner that does not cause injury to the dog [~~measures the circumference of a dog's neck plus at least one inch~~].

SECTION 3. Section 821.077, Health and Safety Code, is amended to read as follows:

Sec. 821.077. CARE OF DOG LEFT OUTSIDE AND UNATTENDED;

1 UNLAWFUL RESTRAINT [~~OF DOG~~]. (a) In this section, "adequate
2 shelter" means a clean, weatherproof structure that:

3 (1) allows the dog to remain dry in inclement weather
4 and preserve its body heat in subfreezing weather; and

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

7 (b) An owner may not leave a dog outside and unattended
8 unless the owner provides the dog continuous access to:

9 (1) adequate shelter;

10 (2) shade from direct sunlight; and

11 (3) potable water [~~by use of a restraint that~~
12 ~~unreasonably limits the dog's movement:~~

13 [~~(1) between the hours of 10 p.m. and 6 a.m.;~~

14 [~~(2) within 500 feet of the premises of a school; or~~

15 [~~(3) in the case of extreme weather conditions,~~
16 ~~including conditions in which:~~

17 [~~(A) the actual or effective outdoor temperature~~
18 ~~is below 32 degrees Fahrenheit;~~

19 [~~(B) a heat advisory has been issued by a local or~~
20 ~~state authority or jurisdiction; or~~

21 [~~(C) a hurricane, tropical storm, or tornado~~
22 ~~warning has been issued for the jurisdiction by the National~~
23 ~~Weather Service].~~

24 (c) An owner may not restrain a dog outside and unattended
25 by use of a restraint that [~~(b) In this section, a restraint~~
26 ~~unreasonably limits a dog's movement if the restraint]:~~

27 (1) is not attached to a properly fitted [~~uses a]~~

1 collar or harness [~~that is pinch-type, prong-type, or choke-type or~~
2 ~~that is not properly fitted to the dog~~];

3 (2) is a length shorter than the greater of:

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

6 (B) 10 feet;

7 (3) has weights attached or contains metal chain links
8 in a width that exceeds one-quarter of an inch [~~is in an unsafe~~
9 ~~condition~~]; or

10 (4) may cause the dog to become tangled in the
11 restraint [~~causes injury to the dog~~].

12 SECTION 4. Section 821.078, Health and Safety Code, is
13 amended to read as follows:

14 Sec. 821.078. EXCEPTIONS. (a) Section 821.077 does not
15 apply to:

16 (1) [~~a dog restrained to a running line, pulley, or~~
17 ~~trolley system and that is not restrained to the running line,~~
18 ~~pulley, or trolley system by means of a pinch-type, prong-type,~~
19 ~~choke-type, or improperly fitted collar,~~

20 [~~(2)~~] a dog restrained in a public camping or
21 recreational area in compliance with the requirements of the public
22 [~~a~~] camping or recreational area as defined by a federal, state, or
23 local authority or jurisdiction;

24 (2) [~~(3)~~] ~~a dog restrained for a reasonable period,~~
25 ~~not to exceed three hours in a 24-hour period, and no longer than is~~
26 ~~necessary for the owner to complete a temporary task that requires~~
27 ~~the dog to be restrained,~~

1 ~~(4)~~ a dog restrained while the owner and dog are ~~[is]~~
2 engaged in, or actively training for, an activity that is conducted
3 pursuant to a valid license issued by this state if the activity for
4 which the license is issued is associated with the use or presence
5 of a dog;

6 (3) ~~(5)~~ a dog restrained while the owner and dog are
7 ~~[is]~~ engaged in conduct directly related to the business of
8 shepherding or herding cattle or livestock; or

9 (4) ~~(6)~~ a dog restrained while the owner and dog are
10 ~~[is]~~ engaged in conduct directly related to the business of
11 cultivating agricultural products, if the restraint is reasonably
12 necessary for the safety of the dog.

13 (b) Section 821.077(c)(2) does not apply to a restraint that
14 is attached to a trolley system and allows a dog to move along a
15 running line for a distance that exceeds the limitations specified
16 under that section.

17 SECTION 5. The heading to Section 821.079, Health and
18 Safety Code, is amended to read as follows:

19 Sec. 821.079. CRIMINAL PENALTY.

20 SECTION 6. Sections 821.079(a), (c), and (f), Health and
21 Safety Code, are amended to read as follows:

22 (a) A person commits an offense if the person ~~[knowingly]~~
23 violates this subchapter. Each dog with respect to which there is a
24 violation and each day that a violation continues is a separate
25 offense.

26 (c) Except as provided by Subsection (d), an ~~[A person~~
27 ~~commits an offense if the person is provided a statement described~~

1 ~~by Subsection (b) and fails to comply with this subchapter within 24~~
2 ~~hours of the time the owner is provided the statement. An] offense~~
3 under this subchapter [~~subsection~~] is a Class C misdemeanor.

4 (f) If conduct constituting an offense under this
5 subchapter [~~section~~] also constitutes an offense under any other
6 law, the actor may be prosecuted under this section, the other law,
7 or both.

8 SECTION 7. Section [821.080](#), Health and Safety Code, is
9 amended to read as follows:

10 Sec. 821.080. DISPOSITION OF PENALTY. Notwithstanding any
11 other law, the clerk of a court that collects a penalty under this
12 subchapter shall remit the penalty collected for deposit in the
13 general fund of the municipality or county served by the court.

14 SECTION 8. Subchapter D, Chapter [821](#), Health and Safety
15 Code, is amended by adding Section 821.082 to read as follows:

16 Sec. 821.082. EFFECT OF SUBCHAPTER ON OTHER LAW. (a) This
17 subchapter does not affect the applicability of any other law,
18 rule, order, ordinance, or other legal requirement of this state or
19 a political subdivision of this state.

20 (b) This subchapter does not prevent a municipality or
21 county from prohibiting or further regulating by ordinance or order
22 the ownership, possession, restraint, confinement, or care of a
23 dog.

24 SECTION 9. Sections [821.079](#)(b) and (e), Health and Safety
25 Code, are repealed.

26 SECTION 10. The change in law made by this Act applies only
27 to an offense committed on or after the effective date of this Act.

1 An offense committed before the effective date of this Act is
2 governed by the law as it existed on the date the offense was
3 committed, and the former law is continued in effect for that
4 purpose. For purposes of this section, an offense was committed
5 before the effective date of this Act if any element of the offense
6 occurred before that date.

7 SECTION 11. This Act takes effect September 1, 2017.