

BILL ANALYSIS

C.S.H.B. 940
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the difficulty of enforcing protections against dog cruelty in cases where a dog is restrained with a chain, leash, or other device attached to a stationary object through possibly cruel and inhumane means. C.S.H.B. 940 seeks to address this issue and to help ensure that the restraint of a dog is done in a humane manner and with minimal burden on the owner by revising dog restraint requirements.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 940 amends the Health and Safety Code to revise provisions relating to the unlawful restraint of a dog. The bill repeals provisions prohibiting an owner from leaving a dog outside and unattended by use of a restraint that unreasonably limits the dog's movement between the hours of 10 p.m. and 6 a.m., within 500 feet of the premises of a school, or in the case of extreme weather conditions. The bill repeals and replaces provisions relating to certain exceptions to and penalties for the prohibition, including provisions relating to Class C misdemeanor and Class B misdemeanor offenses.

C.S.H.B. 940 prohibits an owner instead from leaving a dog outside and unattended by use of a restraint unless the owner provides the dog access to adequate shelter, to an area that allows the dog to avoid standing water, to shade from direct sunlight, and to potable water. The bill prohibits an owner from restraining a dog outside and unattended by use of a restraint that is a chain, has weights attached, is shorter in length than the greater of five times the length of the dog or 10 feet, is not attached to a properly fitted collar or harness, or causes pain or injury to the dog. The bill provides certain exceptions to these prohibitions.

C.S.H.B. 940 creates a Class C misdemeanor offense for a person who knowingly violates the bill's provisions and enhances the penalty for a subsequent conviction of the offense to a Class B misdemeanor. The bill establishes that the restraint of each dog that is in violation of the prohibition is a separate offense. The bill authorizes the prosecution of an actor under the bill's offense provisions, other law, or both if the conduct constituting an offense under the bill's provisions also constitutes an offense under any other law. The bill expressly does not preempt a local regulation relating to the restraint of a dog or affect the authority of a political subdivision to adopt or enforce an ordinance or requirement relating to the restraint of a dog if the regulation,

ordinance, or requirement is compatible with and equal to or more stringent than a requirement prescribed by the bill's provisions or relates to an issue not specifically addressed by the bill's provisions.

C.S.H.B. 940 repeals Subchapter D, Chapter 821, Health and Safety Code.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 940 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute expands the exceptions to the offense of unlawful restraint of a dog.