

BILL ANALYSIS

S.B. 295
By: Lucio
Criminal Jurisprudence
Committee Report (Unamended)

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. S.B. 295 seeks to revise dog restraint requirements to help ensure that dogs are restrained in a humane manner while minimizing the burden of compliance on owners.

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

S.B. 295 amends the Health and Safety Code to repeal and replace provisions relating to the unlawful restraint of a dog. The bill prohibits an owner 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 and specifies that the bill's provisions do not prohibit a person from walking a dog with a handheld leash.

S.B. 295 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.

S.B. 295 repeals Subchapter D, Chapter 821, Health and Safety Code.

EFFECTIVE DATE

September 1, 2019.