

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 295
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Intergovernmental Relations
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties note that tethering (the restraining of a dog with a chain, leash, or other device attached to a stationary object) is common practice throughout Texas. Thousands of dogs remain tethered on chains in backyards throughout the state, regardless of weather conditions. Concerned stakeholders express concern in cases where a dog might be tethered by cruel and inhumane means. In 2007, the Texas Legislature passed a law to address statewide tethering requirements; however, the law included an enforcement provision requiring a 24-hour warning prior to issuing a citation. Interested parties express a concern that this provision has acted like a loophole, which makes it difficult to enforce protections against dog cruelty. Animal control officers, law enforcement agencies, county prosecutors, and animal advocates have requested that the tethering law be reformed to prevent cruel and inhumane tethering. S.B. 295 addresses this issue by revising tethering requirements in a balanced manner to ensure that dog tethering is done in a humane manner and with minimal burden on the owner.

C.S.S.B. 295 amends current law relating to the unlawful restraint of a dog and creates a criminal offense.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 821, Health and Safety Code, by adding Subchapter E, as follows:

SUBCHAPTER E. UNLAWFUL RESTRAINT OF DOG

Sec. 821.101. DEFINITIONS. Defines "adequate shelter," "collar," "harness," "owner," "properly fitted," and "restraint."

Sec. 821.102. UNLAWFUL RESTRAINT OF DOG. (a) 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, an area that allows the dog to avoid standing water, shade from direct sunlight, and potable water.

(b) Prohibits an owner from restraining a dog outside and unattended by use of a restraint that:

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

Sec. 821.103. EXCEPTIONS. (a) Provides that Section 821.102 does not apply to:

(1) the use of a restraint on a dog in a public camping or recreational area in compliance with the requirements of the public camping or recreational area as defined by a federal, state, or local authority or jurisdiction;

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

(3) the use of a restraint on a dog while the owner and the dog engage in conduct directly related to the business of shepherding or herding cattle or livestock;

(4) the use of a restraint on a dog while the owner and the dog engage in conduct directly related to the business of cultivating agricultural products;

(5) the leaving of a dog unattended in an open-air truck bed for the time necessary for the owner to complete a temporary task that requires the dog to be left unattended in the truck bed;

(6) a dog taken by the owner, or another person with the owner's permission, from the owner's residence or property and restrained by the owner or the person for not longer than the time necessary for the owner to engage in an activity that requires the dog to be temporarily restrained; or

(7) a dog restrained while the owner and dog are engaged in, or actively training for, hunting or field trialing.

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

(c) Provides that this subchapter does not prohibit a person from walking a dog with a handheld leash.

Sec. 821.104. OFFENSE; PENALTY. (a) Provides that a person commits an offense if the person knowingly violates this subchapter. Provides that the restraint of each dog that is in violation is a separate offense.

(b) Provides that an offense under this subchapter is a Class C misdemeanor, except that the offense is a Class B misdemeanor if the person has previously been convicted under this subchapter.

(c) Authorizes, if conduct constituting an offense under this subchapter also constitutes an offense under any other law, the actor to be prosecuted under this section, the other law, or both.

Sec. 821.105. EFFECT OF SUBCHAPTER ON OTHER LAW. Provides that this subchapter 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 this subchapter or relates to an issue not specifically addressed by this subchapter.

SECTION 2. Repealer: Subchapter D (Unlawful Restraint of Dog), Chapter 821, Health and Safety Code.

SECTION 3. Makes application of this Act prospective. Provides that for purposes of this section an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. Effective date: September 1, 2019.