

By: Leach

H.B. No. 2385

A BILL TO BE ENTITLED

AN ACT

relating to a dog's restraint and shelter.

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. UNLAWFUL RESTRAINT OF AND SHELTER FOR DOG

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

(1) "Adequate shelter" means a sturdy structure that allows a dog protection from the rain, hail, sleet, snow, and subfreezing temperatures.

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

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

Sec. 821.077. UNLAWFUL RESTRAINT OF AND SHELTER FOR DOG.

(a) An owner may not leave a dog outside and unattended by use of a restraint that unreasonably limits the dog's movement and access to an adequate shelter[+]

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

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

~~[(3) in the case of extreme weather conditions,~~

1 ~~including conditions in which:~~

2 ~~[(A) the actual or effective outdoor temperature~~
3 ~~is below 32 degrees Fahrenheit,~~

4 ~~[(B) a heat advisory has been issued by a local or~~
5 ~~state authority or jurisdiction, or~~

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

9 (b) In this section, a restraint unreasonably limits a dog's
10 movement if the restraint:

11 (1) is attached to ~~[uses]~~ a collar that is pinch-type,
12 prong-type, or choke-type or that is not properly fitted to the dog;

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

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

16 (B) 10 feet; or

17 (3) is a chain ~~[in an unsafe condition, or~~

18 ~~[(4) causes injury to the dog].~~

19 SECTION 4. Section [821.078](#), Health and Safety Code, is
20 amended to read as follows:

21 Sec. 821.078. EXCEPTIONS. Section [821.077](#) does not apply
22 to:

23 (1) a dog taken by the owner, or another person with
24 the owner's permission, from the owner's residence or property and
25 restrained by the owner or the person for not longer than the time
26 necessary for the owner to engage in an activity that requires the
27 dog to be temporarily restrained ~~[restrained to a running line,~~

1 ~~pulley, or trolley system and that is not restrained to the running~~
2 ~~line, pulley, or trolley system by means of a pinch-type,~~
3 ~~prong-type, choke-type, or improperly fitted collar];~~

4 (2) a dog restrained in compliance with the
5 requirements of a camping or recreational area as defined by a
6 federal, state, or local authority or jurisdiction;

7 (3) a dog restrained for a reasonable period, not to
8 exceed three hours in a 24-hour period, and no longer than is
9 necessary for the owner to complete a temporary task that requires
10 the dog to be restrained;

11 (4) a dog restrained while the owner and the dog are
12 ~~is~~ engaged in, or actively training for, an activity that is
13 conducted pursuant to a valid license issued by this state if the
14 activity for which the license is issued is associated with the use
15 or presence of a dog;

16 (5) a dog restrained while the owner and the dog are
17 ~~is~~ engaged in conduct directly related to the business of
18 shepherding or herding cattle or livestock; ~~or~~

19 (6) a dog restrained while the owner and the dog are
20 ~~is~~ engaged in conduct directly related to the business of
21 cultivating agricultural products, if the restraint is reasonably
22 necessary for the safety of the dog;

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

25 (8) a dog restrained in an open-air truck bed for not
26 longer than the time necessary for the owner to complete a temporary
27 task that requires the dog to be left in the truck bed.

1 SECTION 5. Section 821.079(c), Health and Safety Code, is
2 amended to read as follows:

3 (c) [~~A person commits an offense if the person is provided a~~
4 ~~statement described by Subsection (b) and fails to comply with this~~
5 ~~subchapter within 24 hours of the time the owner is provided the~~
6 ~~statement.~~] An offense under this section [~~subsection~~] is a Class C
7 misdemeanor.

8 SECTION 6. Sections 821.079(b) and (d), Health and Safety
9 Code, are repealed.

10 SECTION 7. The change in law made by this Act applies only
11 to an offense committed on or after the effective date of this Act.
12 An offense committed before the effective date of this Act is
13 governed by the law as it existed on the date the offense was
14 committed, and the former law is continued in effect for that
15 purpose. For purposes of this section, an offense was committed
16 before the effective date of this Act if any element of the offense
17 occurred before that date.

18 SECTION 8. This Act takes effect September 1, 2019.