

By: Shaheen

H.B. No. 3940

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:

(A) allows the dog protection from the rain, hail, sleet, snow, and subfreezing temperatures; and

(B) allows the dog while in the shelter to stand erect, sit, turn around, and lie down in a normal position.

(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[+]

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

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

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

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

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

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

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

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

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

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

17 (B) 10 feet; or

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

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

20 (c) An owner may not leave a dog outside and unattended by
21 use of a restraint unless the owner provides the dog access to
22 adequate shelter.

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

25 Sec. 821.078. EXCEPTIONS. Section 821.077 does not apply
26 to:

27 (1) a dog restrained by the owner or another person for

1 not longer than the time necessary for the owner to engage in an
2 activity that requires the dog to be temporarily restrained
3 ~~[restrained to a running line, pulley, or trolley system and that is~~
4 ~~not restrained to the running line, pulley, or trolley system by~~
5 ~~means of a pinch-type, prong-type, choke-type, or improperly fitted~~
6 ~~collar];~~

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

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

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

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

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

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

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

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

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

12 SECTION 6. Section 821.079(b), Health and Safety Code, is
13 repealed.

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

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