

By: Meyer

H.B. No. 4316

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. The heading to Section 821.077, Health and Safety Code, is amended to read as follows:

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

SECTION 4. Section 821.077(a), Health and Safety Code, is amended to read as follows:

(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.,~~

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

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

3 ~~including conditions in which:~~

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

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

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

11 SECTION 5. Section [821.079\(c\)](#), Health and Safety Code, is
12 amended to read as follows:

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

18 SECTION 6. Sections [821.079\(b\)](#) and (d), Health and Safety
19 Code, are repealed.

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

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