

By: Jetton

H.B. No. 17

A BILL TO BE ENTITLED

AN ACT

relating to the unlawful restraint of a dog; creating a criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 821, Health and Safety Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. UNLAWFUL RESTRAINT OF DOG

Sec. 821.101. DEFINITIONS. In this subchapter:

(1) "Owner" means a person who owns or has custody or control of a dog.

(2) "Restraint" means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

Sec. 821.102. UNLAWFUL RESTRAINT OF DOG; OFFENSE. (a) An owner may not leave a dog outside and unattended by use of a restraint.

(b) A person commits an offense if the person knowingly violates this section. The restraint of each dog that is in violation of this section is a separate offense.

(c) An offense under this section is a Class C misdemeanor, except that the offense is a Class B misdemeanor if the person has previously been convicted under this section.

(d) If conduct constituting an offense under this section also constitutes an offense under any other law, the actor may be

1 prosecuted under this section, the other law, or both.

2 Sec. 821.103. EXCEPTIONS. (a) Section 821.102 does not
3 apply to:

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

8 (2) the use of a restraint on a dog while the owner and
9 dog engage in, or actively train for, an activity conducted under a
10 valid license issued by this state provided:

11 (A) the activity is associated with the use or
12 presence of a dog; and

13 (B) the restraint is used only for the time
14 necessary for the owner to complete the activity;

15 (3) the use of a restraint on a dog while the owner and
16 dog engage in conduct directly related to the business of
17 shepherding or herding cattle or livestock provided the restraint
18 is used only for the time necessary for the owner to complete the
19 shepherding or herding;

20 (4) a dog left unattended in an open-air truck bed only
21 for the time necessary for the owner to complete a temporary task
22 that requires the dog to be left unattended in the truck bed; or

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

25 (b) This subchapter does not prohibit a person from walking
26 a dog with a handheld leash.

27 Sec. 821.104. EFFECT OF SUBCHAPTER ON OTHER LAW. This

1 subchapter does not preempt a local regulation relating to the
2 restraint of a dog or affect the authority of a political
3 subdivision to adopt or enforce an ordinance or requirement
4 relating to the restraint of a dog if the regulation, ordinance, or
5 requirement relates to an issue not specifically addressed by this
6 subchapter.

7 SECTION 2. Subchapter D, Chapter 821, Health and Safety
8 Code, is repealed.

9 SECTION 3. The change in law made by this Act applies only
10 to an offense committed on or after the effective date of this Act.
11 An offense committed before the effective date of this Act is
12 governed by the law in effect on the date the offense was committed,
13 and the former law is continued in effect for that purpose. For
14 purposes of this section, an offense was committed before the
15 effective date of this Act if any element of the offense occurred
16 before that date.

17 SECTION 4. This Act takes effect January 1, 2022.