

By: Shaheen

H.B. No. 70

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) "Adequate shelter" means a sturdy structure:

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

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

(2) "Collar" means a band constructed of nylon, leather, or similar material, specifically designed to be placed around the neck of a dog.

(3) "Harness" means a set of straps constructed of nylon, leather, or similar material, specifically designed to restrain or control a dog.

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

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

1 trolley system.

2 Sec. 821.102. UNLAWFUL RESTRAINT OF DOG; OFFENSE. (a) An  
3 owner may not leave a dog outside and unattended by use of a  
4 restraint unless the owner provides the dog access to:

5 (1) adequate shelter;

6 (2) an area that allows the dog to avoid standing water  
7 and any other substance that could cause harm to the health of a dog  
8 subjected to prolonged exposure to the substance, including feces  
9 or urine;

10 (3) shade from direct sunlight; and

11 (4) potable water.

12 (b) An owner may not restrain a dog outside and unattended  
13 by use of a restraint that:

14 (1) is a chain;

15 (2) has weights attached;

16 (3) is attached to a collar or harness not properly  
17 fitted to the dog; or

18 (4) causes pain or injury to the dog.

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

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

25 (e) If conduct constituting an offense under this section  
26 also constitutes an offense under any other law, the actor may be  
27 prosecuted under this section, the other law, or both.

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

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

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

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

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

17           (5) a dog left unattended in an open-air truck bed;

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

23           (7) 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:

6 (1) is compatible with and equal to or more stringent  
7 than a requirement prescribed by this subchapter; or

8 (2) relates to an issue not specifically addressed by  
9 this subchapter.

10 SECTION 2. Subchapter D, Chapter 821, Health and Safety  
11 Code, is repealed.

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

20 SECTION 4. This Act takes effect on the 91st day after the  
21 last day of the legislative session.