1-7   COMMITTEE VOTE

1-8		Yea	Nay	Absent	PNV
1-9	Lucio	X			
1-10	Bettencourt	X			
1-11	Campbell	X			
1-12	Garcia	X			
1-13	Huffines	X			
1-14	Menéndez			X	
1-15	Taylor of Collin	X			

1-16   A BILL TO BE ENTITLED
1-17   AN ACT

1-18 relating to the unlawful restraint of a dog; creating an offense.
1-19   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-20   SECTION 1.   Chapter 821, Health and Safety Code, is amended
1-21 by adding Subchapter E to read as follows:
1-22   SUBCHAPTER E.   UNLAWFUL RESTRAINT OF DOG
1-23   Sec. 821.101.   DEFINITIONS. In this subchapter:
1-24   (1) "Adequate shelter" means a clean and sturdy
1-25 structure that:
1-26   (A)   allows the dog protection from rain, hail,
1-27 sleet, snow, and subfreezing temperatures; and
1-28   (B)   is large enough to allow the dog to stand
1-29 erect, sit, turn around, and lie down in a normal manner.
1-30   (2)   "Collar" means any collar constructed of nylon,
1-31 leather, or similar material, specifically designed to be used for
1-32 a dog.
1-33   (3)   "Harness" means any harness constructed of nylon,
1-34 leather, or similar material, specifically designed to be used for
1-35 a dog.
1-36   (4)   "Owner" means a person who owns or has custody or
1-37 control of a dog.
1-38   (5)   "Properly fitted" means, with respect to a collar
1-39 or harness used for a dog, a collar or harness that:
1-40   (A)   is the appropriate size for the dog based on
1-41 the dog's size and body weight;
1-42   (B)   does not choke the dog or impede the dog's
1-43 normal breathing or swallowing; and
1-44   (C)   is attached to the dog in a manner that does
1-45 not allow for escape and does not cause pain or injury to the dog.
1-46   (6)   "Restraint" means a chain, rope, tether, leash,
1-47 cable, or other device that attaches a dog to a stationary object or
1-48 trolley system.
1-49   Sec. 821.102.   UNLAWFUL RESTRAINT OF DOG. (a) An owner may
1-50 not leave a dog outside and unattended by use of a restraint unless
1-51 the owner provides the dog access to:
1-52   (1)   adequate shelter;
1-53   (2)   an area that allows the dog to avoid standing
1-54 water;
1-55   (3)   shade from direct sunlight; and
1-56   (4)   potable water.
1-57   (b)   An owner may not restrain a dog outside and unattended
1-58 by use of a restraint that:
1-59   (1)   is a chain;
1-60   (2)   has weights attached;
1-61   (3)   is shorter in length than the greater of:

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2-1 (A) five times the length of the dog, as measured
2-2 from the tip of the dog's nose to the base of the dog's tail; or
2-3 (B) 10 feet;
2-4 (4) is not attached to a properly fitted collar or
2-5 harness; or
2-6 (5) causes pain or injury to the dog.
2-7 Sec. 821.103. EXCEPTIONS. (a) Section 821.102 does not
2-8 apply to:
2-9 (1) a dog restrained in a public camping or
2-10 recreational area in compliance with the requirements of the public
2-11 camping or recreational area as defined by a federal, state, or
2-12 local authority or jurisdiction;
2-13 (2) a dog restrained while the owner and dog are
2-14 engaged in, or actively training for, an activity that is conducted
2-15 pursuant to a valid license issued by this state if the activity for
2-16 which the license is issued is associated with the use or presence
2-17 of a dog;
2-18 (3) a dog restrained while the owner and dog are
2-19 engaged in conduct directly related to the business of shepherding
2-20 or herding cattle or livestock;
2-21 (4) a dog restrained while the owner and dog are
2-22 engaged in conduct directly related to the business of cultivating
2-23 agricultural products; or
2-24 (5) a dog left in an open-air truck bed for no longer
2-25 than necessary for the owner to complete a temporary task that
2-26 required the dog to be left in the truck bed.
2-27 (b) Section 821.102(b)(3) does not apply to a restraint that
2-28 is attached to a trolley system that allows a dog to move along a
2-29 running line for a distance that equals or exceeds the lengths
2-30 specified under that subdivision.
2-31 (c) This subchapter does not prohibit a person from walking
2-32 a dog with a handheld leash.
2-33 Sec. 821.104. OFFENSE; PENALTY. (a) A person commits an
2-34 offense if the person knowingly violates this subchapter. The
2-35 restraint of each dog with respect to which there is a violation is
2-36 a separate offense.
2-37 (b) An offense under this subchapter is a Class C
2-38 misdemeanor, except that the offense is a Class B misdemeanor if the
2-39 person has previously been convicted under this subchapter.
2-40 (c) If conduct constituting an offense under this
2-41 subchapter also constitutes an offense under any other law, the
2-42 actor may be prosecuted under this section, the other law, or both.
2-43 Sec. 821.105. EFFECT OF SUBCHAPTER ON OTHER LAW. This
2-44 subchapter does not preempt a local regulation relating to the
2-45 restraint of a dog or affect the authority of a political
2-46 subdivision to adopt or enforce an ordinance or requirement
2-47 relating to the restraint of a dog if the regulation, ordinance, or
2-48 requirement:
2-49 (1) is compatible with and equal to or more stringent
2-50 than a requirement prescribed by this subchapter; or
2-51 (2) relates to an issue that is not specifically
2-52 addressed by this subchapter.
2-53 SECTION 2. Subchapter D, Chapter 821, Health and Safety
2-54 Code, is repealed.
2-55 SECTION 3. The change in law made by this Act applies only
2-56 to an offense committed on or after the effective date of this Act.
2-57 An offense committed before the effective date of this Act is
2-58 governed by the law in effect on the date the offense was committed,
2-59 and the former law is continued in effect for that purpose. For
2-60 purposes of this section, an offense was committed before the
2-61 effective date of this Act if any element of the offense occurred
2-62 before that date.
2-63 SECTION 4. This Act takes effect September 1, 2017.

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