

1-1 By: Lucio, Menéndez S.B. No. 295
1-2 (In the Senate - Filed January 3, 2019; February 7, 2019,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; March 13, 2019, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 March 13, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>PNV</u>
1-8				
1-9	<u>Lucio</u>	<u>X</u>		
1-10	<u>Schwertner</u>	<u>X</u>		
1-11	<u>Alvarado</u>	<u>X</u>		
1-12	<u>Campbell</u>	<u>X</u>		
1-13	<u>Fallon</u>	<u>X</u>		
1-14	<u>Menéndez</u>	<u>X</u>		
1-15	<u>Nichols</u>	<u>X</u>		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 295 By: Lucio

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the unlawful restraint of a dog; creating a criminal
1-20 offense.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Chapter 821, Health and Safety Code, is amended
1-23 by adding Subchapter E to read as follows:

1-24 SUBCHAPTER E. UNLAWFUL RESTRAINT OF DOG

1-25 Sec. 821.101. DEFINITIONS. In this subchapter:

1-26 (1) "Adequate shelter" means a clean and sturdy
1-27 structure:

1-28 (A) that allows the dog protection from rain,
1-29 hail, sleet, snow, and subfreezing temperatures; and

1-30 (B) with dimensions that allow the dog while in
1-31 the shelter to stand erect, sit, turn around, and lie down in a
1-32 normal position.

1-33 (2) "Collar" means a band constructed of nylon,
1-34 leather, or similar material, specifically designed to be placed
1-35 around the neck of a dog.

1-36 (3) "Harness" means a set of straps constructed of
1-37 nylon, leather, or similar material, specifically designed to
1-38 restrain or control a dog.

1-39 (4) "Owner" means a person who owns or has custody or
1-40 control of a dog.

1-41 (5) "Properly fitted" means, with respect to a collar
1-42 or harness, a collar or harness that:

1-43 (A) is appropriately sized for the dog based on
1-44 the dog's measurements and body weight;

1-45 (B) does not choke the dog or impede the dog's
1-46 normal breathing or swallowing; and

1-47 (C) is attached around the dog in a manner that
1-48 does not allow for escape and does not cause pain or injury to the
1-49 dog.

1-50 (6) "Restraint" means a chain, rope, tether, leash,
1-51 cable, or other device that attaches a dog to a stationary object or
1-52 trolley system.

1-53 Sec. 821.102. UNLAWFUL RESTRAINT OF DOG. (a) An owner may
1-54 not leave a dog outside and unattended by use of a restraint unless
1-55 the owner provides the dog access to:

1-56 (1) adequate shelter;

1-57 (2) an area that allows the dog to avoid standing
1-58 water;

1-59 (3) shade from direct sunlight; and

1-60 (4) potable water.

- 2-1 (b) An owner may not restrain a dog outside and unattended
- 2-2 by use of a restraint that:
- 2-3 (1) is a chain;
- 2-4 (2) has weights attached;
- 2-5 (3) is shorter in length than the greater of:
- 2-6 (A) five times the length of the dog, as measured
- 2-7 from the tip of the dog's nose to the base of the dog's tail; or
- 2-8 (B) 10 feet;
- 2-9 (4) is not attached to a properly fitted collar or
- 2-10 harness; or
- 2-11 (5) causes pain or injury to the dog.

2-12 Sec. 821.103. EXCEPTIONS. (a) Section 821.102 does not

2-13 apply to:

- 2-14 (1) the use of a restraint on a dog in a public camping
- 2-15 or recreational area in compliance with the requirements of the
- 2-16 public camping or recreational area as defined by a federal, state,
- 2-17 or local authority or jurisdiction;
- 2-18 (2) the use of a restraint on a dog while the owner and
- 2-19 dog engage in, or actively train for, an activity conducted under a
- 2-20 valid license issued by this state provided the activity is
- 2-21 associated with the use or presence of a dog;
- 2-22 (3) the use of a restraint on a dog while the owner and
- 2-23 dog engage in conduct directly related to the business of
- 2-24 shepherding or herding cattle or livestock;
- 2-25 (4) the use of a restraint on a dog while the owner and
- 2-26 dog engage in conduct directly related to the business of
- 2-27 cultivating agricultural products;
- 2-28 (5) the leaving of a dog unattended in an open-air
- 2-29 truck bed only for the time necessary for the owner to complete a
- 2-30 temporary task that requires the dog to be left unattended in the
- 2-31 truck bed;
- 2-32 (6) a dog taken by the owner, or another person with
- 2-33 the owner's permission, from the owner's residence or property and
- 2-34 restrained by the owner or the person for not longer than the time
- 2-35 necessary for the owner to engage in an activity that requires the
- 2-36 dog to be temporarily restrained; or
- 2-37 (7) a dog restrained while the owner and dog are
- 2-38 engaged in, or actively training for, hunting or field trialing.

2-39 (b) Section 821.102(b)(3) does not apply to a restraint

2-40 attached to a trolley system that allows a dog to move along a

2-41 running line for a distance equal to or greater than the lengths

2-42 specified under that subdivision.

2-43 (c) This subchapter does not prohibit a person from walking

2-44 a dog with a handheld leash.

2-45 Sec. 821.104. OFFENSE; PENALTY. (a) A person commits an

2-46 offense if the person knowingly violates this subchapter. The

2-47 restraint of each dog that is in violation is a separate offense.

2-48 (b) An offense under this subchapter is a Class C

2-49 misdemeanor, except that the offense is a Class B misdemeanor if the

2-50 person has previously been convicted under this subchapter.

2-51 (c) If conduct constituting an offense under this

2-52 subchapter also constitutes an offense under any other law, the

2-53 actor may be prosecuted under this section, the other law, or both.

2-54 Sec. 821.105. EFFECT OF SUBCHAPTER ON OTHER LAW. This

2-55 subchapter does not preempt a local regulation relating to the

2-56 restraint of a dog or affect the authority of a political

2-57 subdivision to adopt or enforce an ordinance or requirement

2-58 relating to the restraint of a dog if the regulation, ordinance, or

2-59 requirement:

- 2-60 (1) is compatible with and equal to or more stringent
- 2-61 than a requirement prescribed by this subchapter; or
- 2-62 (2) relates to an issue not specifically addressed by
- 2-63 this subchapter.

2-64 SECTION 2. Subchapter D, Chapter 821, Health and Safety

2-65 Code, is repealed.

2-66 SECTION 3. The change in law made by this Act applies only

2-67 to an offense committed on or after the effective date of this Act.

2-68 An offense committed before the effective date of this Act is

2-69 governed by the law in effect on the date the offense was committed,

3-1 and the former law is continued in effect for that purpose. For
3-2 purposes of this section, an offense was committed before the
3-3 effective date of this Act if any element of the offense occurred
3-4 before that date.

3-5 SECTION 4. This Act takes effect September 1, 2019.

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