

1-1 By: Lucio S.B. No. 5  
 1-2 (In the Senate - Filed September 20, 2021; September 20, 2021,  
 1-3 read first time and referred to Committee on Criminal Justice;  
 1-4 September 20, 2021, reported favorably by the following vote:  
 1-5 Yeas 4, Nays 1; September 20, 2021, sent to printer.)

1-6 COMMITTEE VOTE

1-7	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10			X	
1-11			X	
1-12	X			
1-13	X			
1-14		X		

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to the unlawful restraint of a dog; creating a criminal  
 1-18 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 sturdy structure:

1-25 (A) that provides the dog protection from rain,  
 1-26 hail, sleet, snow, and subfreezing temperatures; and

1-27 (B) with dimensions that allow the dog while in  
 1-28 the shelter to stand erect, sit, turn around, and lie down in a  
 1-29 normal position.

1-30 (2) "Collar" means a band constructed of nylon,  
 1-31 leather, or similar material, specifically designed to be placed  
 1-32 around the neck of a dog.

1-33 (3) "Harness" means a set of straps constructed of  
 1-34 nylon, leather, or similar material, specifically designed to  
 1-35 restrain or control 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, a collar or harness that:

1-40 (A) is appropriately sized for the dog based on  
 1-41 the dog's measurements 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 around the dog in a manner that  
 1-45 prevents the dog from escaping and does not cause pain or injury to  
 1-46 the dog.

1-47 (6) "Restraint" means a chain, rope, tether, leash,  
 1-48 cable, or other device that attaches a dog to a stationary object or  
 1-49 trolley system.

1-50 Sec. 821.102. UNLAWFUL RESTRAINT OF DOG; OFFENSE. (a) An  
 1-51 owner may not leave a dog outside and unattended by use of a  
 1-52 restraint unless the owner provides the dog access to:

1-53 (1) adequate shelter;

1-54 (2) an area that allows the dog to avoid standing water  
 1-55 and any other substance that could cause harm to the health of a dog  
 1-56 subjected to prolonged exposure to the substance, including feces  
 1-57 or urine;

1-58 (3) shade from direct sunlight; and

1-59 (4) potable water.

1-60 (b) An owner may not restrain a dog outside and unattended  
 1-61 by use of a restraint that:

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

2-10 (c) A person commits an offense if the person knowingly  
 2-11 violates this section. The restraint of each dog that is in  
 2-12 violation is a separate offense.

2-13 (d) An offense under this section is a Class C misdemeanor,  
 2-14 except that the offense is a Class B misdemeanor if the person has  
 2-15 previously been convicted under this section.

2-16 (e) If conduct constituting an offense under this section  
 2-17 also constitutes an offense under any other law, the actor may be  
 2-18 prosecuted under this section, the other law, or both.

2-19 Sec. 821.103. EXCEPTIONS. (a) Section 821.102 does not  
 2-20 apply to:

2-21 (1) the use of a restraint on a dog in a public camping  
 2-22 or recreational area in compliance with the requirements of the  
 2-23 public camping or recreational area as defined by a federal, state,  
 2-24 or local authority or jurisdiction;

2-25 (2) the use of a restraint on a dog while the owner and  
 2-26 dog engage in, or actively train for, an activity conducted under a  
 2-27 valid license issued by this state provided the activity is  
 2-28 associated with the use or presence of a dog;

2-29 (3) the use of a restraint on a dog while the owner and  
 2-30 dog engage in conduct directly related to the business of  
 2-31 shepherding or herding cattle or livestock;

2-32 (4) the use of a restraint on a dog while the owner and  
 2-33 dog engage in conduct directly related to the business of  
 2-34 cultivating agricultural products;

2-35 (5) a dog left unattended in an open-air truck bed only  
 2-36 for the time necessary for the owner to complete a temporary task  
 2-37 that requires the dog to be left unattended in the truck bed;

2-38 (6) a dog taken by the owner, or another person with  
 2-39 the owner's permission, from the owner's residence or property and  
 2-40 restrained by the owner or the person for not longer than the time  
 2-41 necessary for the owner to engage in an activity that requires the  
 2-42 dog to be temporarily restrained; or

2-43 (7) a dog restrained while the owner and dog are  
 2-44 engaged in, or actively training for, hunting or field trialing.

2-45 (b) Section 821.102(b)(3) does not apply to a restraint  
 2-46 attached to a trolley system that allows a dog to move along a  
 2-47 running line for a distance equal to or greater than the lengths  
 2-48 specified under that subdivision.

2-49 (c) This subchapter does not prohibit a person from walking  
 2-50 a dog with a handheld leash.

2-51 Sec. 821.104. EFFECT OF SUBCHAPTER ON OTHER LAW. This  
 2-52 subchapter does not preempt a local regulation relating to the  
 2-53 restraint of a dog or affect the authority of a political  
 2-54 subdivision to adopt or enforce an ordinance or requirement  
 2-55 relating to the restraint of a dog if the regulation, ordinance, or  
 2-56 requirement:

2-57 (1) is compatible with and equal to or more stringent  
 2-58 than a requirement prescribed by this subchapter; or

2-59 (2) relates to an issue not specifically addressed by  
 2-60 this subchapter.

2-61 SECTION 2. Subchapter D, Chapter 821, Health and Safety  
 2-62 Code, is repealed.

2-63 SECTION 3. The change in law made by this Act applies only  
 2-64 to an offense committed on or after the effective date of this Act.  
 2-65 An offense committed before the effective date of this Act is  
 2-66 governed by the law in effect on the date the offense was committed,  
 2-67 and the former law is continued in effect for that purpose. For  
 2-68 purposes of this section, an offense was committed before the  
 2-69 effective date of this Act if any element of the offense occurred

3-1 before that date.

3-2 SECTION 4. This Act takes effect on the 91st day after the

3-3 last day of the legislative session.

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