

By: Lucio S.B. No. 1090
(Davis of Harris, Anderson of Dallas, Minjarez, Laubenberg,
Farrar, et al.)

Substitute the following for S.B. No. 1090:

By: Price C.S.S.B. No. 1090

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 clean and sturdy
structure that:

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

(B) is large enough to allow the dog to stand
erect, sit, turn around, and lie down in a normal manner.

(2) "Collar" means any collar constructed of nylon,
leather, or similar material, specifically designed to be used for
a dog.

(3) "Harness" means any harness constructed of nylon,
leather, or similar material, specifically designed to be used for
a dog.

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

(5) "Properly fitted" means, with respect to a collar
or harness used for a dog, a collar or harness that:

1 (A) is the appropriate size for the dog based on
2 the dog's size and body weight;

3 (B) does not choke the dog or impede the dog's
4 normal breathing or swallowing; and

5 (C) is attached to the dog in a manner that does
6 not allow for escape and does not cause injury to the dog.

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

10 Sec. 821.102. UNLAWFUL RESTRAINT OF DOG. (a) An owner may
11 not leave a dog outside and unattended by use of a restraint unless
12 the owner provides the dog access to:

13 (1) adequate shelter;

14 (2) an area that allows the dog to avoid standing
15 water;

16 (3) shade from direct sunlight; and

17 (4) water.

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

20 (1) is a chain;

21 (2) has weights attached;

22 (3) is shorter in length than the greater of:

23 (A) five times the length of the dog, as measured
24 from the tip of the dog's nose to the base of the dog's tail; or

25 (B) 10 feet;

26 (4) is not attached to a properly fitted collar or
27 harness; or

1 (5) causes injury to the dog.

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

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

8 (2) a dog restrained while the owner and dog are
9 engaged in, or actively training for, an activity that is conducted
10 pursuant to a valid license issued by this state if the activity for
11 which the license is issued is associated with the use or presence
12 of a dog;

13 (3) a dog restrained while the owner and dog are
14 engaged in conduct directly related to the business of shepherding
15 or herding cattle or livestock;

16 (4) a dog restrained while the owner and dog are
17 engaged in conduct directly related to the business of cultivating
18 agricultural products;

19 (5) a dog left in an open-air truck bed for no longer
20 than necessary for the owner to complete a temporary task that
21 required the dog to be left in the truck bed;

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

27 (7) a dog restrained while the owner and dog are

1 engaged in, or actively training for, hunting or field trialing.

2 (b) Section 821.102(b)(3) does not apply to a restraint that
3 is attached to a pulley or trolley system that allows a dog to move
4 along a running line for a distance that equals or exceeds the
5 lengths specified under that subdivision.

6 (c) This subchapter does not prohibit a person from walking
7 a dog with a handheld leash.

8 Sec. 821.104. OFFENSE; PENALTY. (a) A person commits an
9 offense if the person knowingly violates this subchapter. The
10 restraint of each dog with respect to which there is a violation is
11 a separate offense.

12 (b) An offense under this subchapter is a Class C
13 misdemeanor.

14 (c) If conduct constituting an offense under this
15 subchapter also constitutes an offense under any other law, the
16 actor may be prosecuted under this section, the other law, or both.

17 Sec. 821.105. EFFECT OF SUBCHAPTER ON OTHER LAW. This
18 subchapter does not preempt a local regulation relating to the
19 restraint of a dog or affect the authority of a political
20 subdivision to adopt or enforce an ordinance or requirement
21 relating to the restraint of a dog if the regulation, ordinance, or
22 requirement:

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

25 (2) relates to an issue that is not specifically
26 addressed by this subchapter.

27 SECTION 2. Subchapter D, Chapter 821, Health and Safety

1 Code, is repealed.

2 SECTION 3. The change in law made by this Act applies only
3 to an offense committed on or after the effective date of this Act.
4 An offense committed before the effective date of this Act is
5 governed by the law in effect on the date the offense was committed,
6 and the former law is continued in effect for that purpose. For
7 purposes of this section, an offense was committed before the
8 effective date of this Act if any element of the offense occurred
9 before that date.

10 SECTION 4. This Act takes effect September 1, 2017.