

BILL ANALYSIS

Senate Research Center
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S.B. 634
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 1411, passed by the 80th Legislature, Regular Session, 2007, put minimum standards in place with the goal of reducing dog tethering.

This bill enhances those restrictions by requiring that a dog left in an enclosure outside and unattended must have no less than 150 square feet, and may not be left outside and unattended in a restraint, with a few exceptions. Those exceptions include dogs restrained on camping grounds, while the owner is training a hunting dog or engaged in hunting, dogs used for shepherding or herding livestock, or if the owner's business is agriculture and the dog is tethered for its safety. This bill also removes two exceptions from current law which pertain to a dog being tethered for no more than three hours in a 24-hour period and allowing a dog to be restrained by a pulley or running line.

As proposed, S.B. 634 amends current law relating to the unlawful restraint of a dog.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 821.077(a), Health and Safety Code, to prohibit an owner from leaving a dog outside and unattended in an enclosure of less than 150 square feet for each dog over six months of age; in the case of extreme weather conditions, including conditions in which the actual or effective outdoor temperature is below 32 degrees Fahrenheit, a heat advisory has been issued by a local or state authority or jurisdiction, or a hurricane, tropical storm, or tornado warning has been issued for the jurisdiction by the National Weather Service; or in a restraint. Deletes existing text prohibiting an owner from leaving a dog outside and unattended by use of a restraint that unreasonably limits the dog's movement between the hours of 10 p.m. and 6 a.m. and within 500 feet of the premises of a school.

SECTION 2. Amends Section 821.078, Health and Safety Code, as follows:

Sec. 821.078. EXCEPTIONS. Deletes existing text providing that Section 821.077 (Unlawful Restraint of Dog) does not apply to a dog restrained to a running line, pulley, or trolley system and that is not restrained to the running line, pulley, or trolley system by means of a pinch-type, prong-type, choke-type, or improperly fitted collar, or to a dog restrained for a reasonable period, not to exceed three hours in a 24-hour period, and no longer than is necessary for the owner to complete a temporary task that requires the dog to be restrained. Makes nonsubstantive changes.

SECTION 3. Amends Section 821.081, Health and Safety Code, as follows:

Sec. 821.081. HAND-HELD LEASHES. Provides that this subchapter does not prohibit a person from walking a dog with a hand-held leash if the dog's owner or handler is physically present and in proximity to the dog at all times so that the owner or handler exercises immediate physical control over the dog at any time.

SECTION 4. Repealers: Sections 821.076(3) (regarding the definition of a "properly fitted" dog collar) and 821.077(b) (regarding the criteria for determining whether a restraint unreasonably limits a dog's movement), Health and Safety Code.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: upon passage or September 1, 2009.