

BILL ANALYSIS

Senate Research Center
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S.B. 1090
By: Lucio
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties note that tethering (the restraining of a dog with a chain, leash, or other device attached to a stationary object) is common practice throughout Texas. Thousands of dogs remain tethered on chains in backyards throughout Texas, regardless of weather conditions. Concerned stakeholders express concern in cases where a dog might be tethered by cruel and inhumane means.

In 2007, the Texas Legislature passed a law to address statewide tethering requirements; however, the law included an enforcement provision requiring a 24-hour warning prior to issuing a citation. Stakeholders express a concern that this provision has acted like a loophole which makes it difficult to enforce protections against dog cruelty. Animal control officers, law enforcement agencies, county prosecutors, and animal advocates have requested that the tethering law be reformed to prevent cruel and inhumane tethering.

S.B. 1090 addresses this issue by revising tethering requirements in a balanced manner to ensure that dog tethering is done in a humane manner and with minimal burden on the owner.

As proposed, S.B. 1090 amends current law relating to the unlawful restraint of a dog and creates an offense.

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 Chapter 821, Health and Safety Code, by adding Subchapter E, as follows:

SUBCHAPTER E. UNLAWFUL RESTRAINT OF DOG

Sec. 821.101. DEFINITIONS. Defines "adequate shelter," "collar," "harness," "owner," "properly fitted," and "restraint."

Sec. 821.102. UNLAWFUL RESTRAINT OF DOG. (a) Prohibits an owner from leaving a dog outside and unattended by use of a restraint unless the owner provides the dog access to certain items.

(b) Prohibits an owner from restraining a dog outside and unattended by use of certain restraints.

Sec. 821.103. EXCEPTIONS. (a) Provides that Section 821.102 does not apply to a dog restrained under certain conditions or a dog left in an open-air truck bed for no longer than necessary for the owner to complete a temporary task that required the dog to be left.

(b) Provides that Section 821.102(b)(3) (relating to prohibiting an owner from restraining a dog outside and unattended by use of a restraint that is shorter than a certain length) does not apply to a restraint that is attached to a trolley system that

allows a dog to move along a running line for a distance that equals or exceeds the lengths specified under that subdivision.

(c) Provides that this subchapter does not prohibit a person from walking a dog with a handheld leash.

Sec. 821.104. OFFENSE; PENALTY. (a) Provides that a person commits an offense if the person knowingly violates this subchapter. Provides that the restraint of each dog with respect to which there is a violation is a separate offense.

(b) Provides that an offense under this subchapter is a Class C misdemeanor, except that the offense is a Class B misdemeanor if the person has previously been convicted under this subchapter.

(c) Authorizes the actor, if conduct constituting an offense under this subchapter also constitutes an offense under any other law, to be prosecuted under this section, the other law, or both.

Sec. 821.105. EFFECT OF SUBCHAPTER ON OTHER LAW. Provides that this subchapter does not preempt a local regulation relating to the restraint of a dog or affect the authority of a political subdivision to adopt or enforce an ordinance or requirement relating to the restraint of a dog if the regulation, ordinance, or requirement is compatible with and equal to or more stringent than a requirement prescribed by this subchapter or related to an issue that is not specifically addressed by this subchapter.

SECTION 2. Repealer: Subchapter D (Unlawful Restraint of Dog), Chapter 821 (Treatment and Disposition of Animals), Health and Safety Code.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2017.