

AN ACT

relating to the unlawful restraint of dogs; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

SUBCHAPTER D. UNLAWFUL RESTRAINT OF DOG

Sec. 821.076. DEFINITIONS. In this subchapter:

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

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

(3) "Properly fitted" means, with respect to a collar, a collar that measures the circumference of a dog's neck plus at least one inch.

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

Sec. 821.077. UNLAWFUL RESTRAINT OF DOG. (a) An owner may not leave a dog outside and unattended by use of a restraint that unreasonably limits the dog's movement:

(1) between the hours of 10 p.m. and 6 a.m.;

(2) within 500 feet of the premises of a school; or

(3) in the case of extreme weather conditions,

1 including conditions in which:

2 (A) the actual or effective outdoor temperature  
3 is below 32 degrees Fahrenheit;

4 (B) a heat advisory has been issued by a local or  
5 state authority or jurisdiction; or

6 (C) a hurricane, tropical storm, or tornado  
7 warning has been issued for the jurisdiction by the National  
8 Weather Service.

9 (b) In this section, a restraint unreasonably limits a dog's  
10 movement if the restraint:

11 (1) uses a collar that is pinch-type, prong-type, or  
12 choke-type or that is not properly fitted to the dog;

13 (2) is a length shorter than the greater of:

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

16 (B) 10 feet;

17 (3) is in an unsafe condition; or

18 (4) causes injury to the dog.

19 Sec. 821.078. EXCEPTIONS. Section 821.077 does not apply  
20 to:

21 (1) a dog restrained to a running line, pulley, or  
22 trolley system and that is not restrained to the running line,  
23 pulley, or trolley system by means of a pinch-type, prong-type,  
24 choke-type, or improperly fitted collar;

25 (2) a dog restrained in compliance with the  
26 requirements of a camping or recreational area as defined by a  
27 federal, state, or local authority or jurisdiction;

1           (3) a dog restrained for a reasonable period, not to  
2 exceed three hours in a 24-hour period, and no longer than is  
3 necessary for the owner to complete a temporary task that requires  
4 the dog to be restrained;

5           (4) a dog restrained while the owner is engaged in, or  
6 actively training for, an activity that is conducted pursuant to a  
7 valid license issued by this state if the activity for which the  
8 license is issued is associated with the use or presence of a dog;

9           (5) a dog restrained while the owner is engaged in  
10 conduct directly related to the business of shepherding or herding  
11 cattle or livestock; or

12           (6) a dog restrained while the owner is engaged in  
13 conduct directly related to the business of cultivating  
14 agricultural products, if the restraint is reasonably necessary for  
15 the safety of the dog.

16           Sec. 821.079. PENALTY. (a) A person commits an offense if  
17 the person knowingly violates this subchapter.

18           (b) A peace officer or animal control officer who has  
19 probable cause to believe that an owner is violating this  
20 subchapter shall provide the owner with a written statement of that  
21 fact. The statement must be signed by the officer and plainly state  
22 the date on which and the time at which the statement is provided to  
23 the owner.

24           (c) A person commits an offense if the person is provided a  
25 statement described by Subsection (b) and fails to comply with this  
26 subchapter within 24 hours of the time the owner is provided the  
27 statement. An offense under this subsection is a Class C

1 misdemeanor.

2 (d) A person commits an offense if the person violates this  
3 subchapter and previously has been convicted of an offense under  
4 this subchapter. An offense under this subsection is a Class B  
5 misdemeanor.

6 (e) If a person fails to comply with this subchapter with  
7 respect to more than one dog, the person's conduct with respect to  
8 each dog constitutes a separate offense.

9 (f) If conduct constituting an offense under this section  
10 also constitutes an offense under any other law, the actor may be  
11 prosecuted under this section, the other law, or both.

12 Sec. 821.080. DISPOSITION OF PENALTY. Notwithstanding any  
13 other law, the clerk of a court that collects a penalty under this  
14 subchapter shall remit the penalty collected for deposit in the  
15 general fund of the county.

16 Sec. 821.081. HAND-HELD LEASHES. This subchapter does not  
17 prohibit a person from walking a dog with a hand-held leash.

18 SECTION 2. (a) The change in law made by this Act applies  
19 only to an offense committed on or after September 1, 2007.

20 (b) An offense committed before September 1, 2007, is  
21 covered by the law in effect when the offense was committed, and the  
22 former law is continued in effect for that purpose. For purposes of  
23 this section, an offense was committed before September 1, 2007, if  
24 any element of the offense was committed before that date.

25 SECTION 3. This Act takes effect September 1, 2007.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1411 was passed by the House on May 3, 2007, by the following vote: Yeas 139, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1411 was passed by the Senate on May 23, 2007, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor