

SUBJECT: Prohibiting unlawful restraint of dogs

COMMITTEE: County Affairs — committee substitute recommended

VOTE: 6 ayes — W. Smith, Bolton, Farabee, Heflin, Leibowitz, T. Smith

0 nays

3 absent — Naishtat, Coleman, Harless

WITNESSES: For — Patt Nordyke, Texas Federation of Humane Societies; (*Registered, but did not testify*: Cathy Sisk, Harris County)

Against — None

DIGEST: CSHB 1411 would add subch. D to Health and Safety Code, ch. 821 to make it unlawful to leave a dog outside and unattended by use of a restraint that unreasonably limited the dog's movement:

- between the hours of 10 p.m. and 6 a.m.;
- within 500 feet of a school; or
- in extreme weather conditions.

A restraint that unreasonably limited the dog's movement would be one that:

- used a pinch-, prong-, or choke-type collar or one that was not properly fitted to the dog;
- was shorter than the greater of five times the length of the dog from nose to tail or 10 feet;
- was in an unsafe condition; or
- caused injury to the dog.

This bill would not apply to:

- a running line, pulley, or trolley system that did not use a pinch-, prong-, or choke-type collar or an improperly fitted collar;

- dogs restrained in compliance with camping or recreational area rules as defined by a federal, state, or local authority;
- dogs restrained for less than three hours a day and no longer than necessary for the owner to complete a temporary task;
- dogs restrained while the owner was engaged in or training for licensed activities in which the dog's presence was required;
- dogs restrained while the owner was herding cattle or livestock; or
- dogs restrained while the owner was engaging in agricultural activities in which the restraint was necessary for the dog's safety.

It would be an offense to knowingly violate the provisions of the bill. The bill would make it a class C misdemeanor (maximum fine of \$500) if a person failed to comply within 24 hours with a signed and dated statement provided by a peace officer stating that the owner was improperly restraining a dog. Repeat offenses would be penalized as a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000).

Violations against more than one dog would be separate offenses. Committing an offense under the bill would not preclude a person from being prosecuted under another law or under both laws. The county clerk would be required to deposit any penalties collected as a result of this law into the general fund of the county.

CSHB 1411 would not prohibit a person from walking a dog with a hand-held leash.

The bill would take effect September 1, 2007.

**SUPPORTERS
SAY:**

CSHB 1411 would protect dogs from irresponsible owners. Dogs are social creatures that should be afforded the right to live without fear of painful restraint or under dangerous circumstances. The bill would ensure that, even if an owner had to chain a dog to prevent it from roaming off the property, the owner would respect minimum standards of care that the dog needed and deserved.

The bill would provide allowances for an owner to chain an animal for a temporary activity or to protect a dog from an agriculture-related activity. In addition, the bill would provide a warning before imposing criminal penalties for non-compliance in order to encourage more responsible

behavior among dog owners. While the bill would not require a dog to be removed from its owner, repeat offenders could be imprisoned, which effectively would remove the dog from living in potentially dangerous conditions. Further, the bill would allow the owner to be prosecuted under other laws, if applicable.

The bill also would discourage the cultivating of dangerous dogs. Chaining a dog can cause physical and behavioral damage that could make it more likely to pose a danger to public safety. These dogs often generate excessive complaints from the public about barking, but peace officers only can help a dog that is suffering from obvious signs of starvation, dehydration, or other signs of abuse or neglect. CSHB 1411 would provide public safety officials a chance to intervene on behalf of a dog before it posed a serious threat to others. Further, this bill would ensure that dog owners did not chain their animals up within close proximity of a school, which would provide fewer opportunities for a dog to hurt children.

**OPPONENTS
SAY:**

CSHB 1411 would not effectively prevent mistreatment of dogs. The bill has such a permissive list of exemptions that it would allow dog owners to keep their dogs out in hurricanes, freezing conditions, or heat waves for up to three hours at a time without violating the law. Further, this bill would allow owners to use choke collars when tethering their dogs for short periods and would allow farmers and ranchers the latitude to completely ignore this law.

While the bill would try to ensure dogs were not restrained 24 hours a day, it would not address what an owner should do with the dog during the night or while at work. If an owner did not have adequate fencing and could not restrain a dog outside, this bill might result in an increase in dogs being left to roam around neighborhoods, potentially posing a threat to other animals or people because there is no penalty for allowing a dog to roam in unincorporated areas if it has proper tags and identification. This bill simply should state that it intends for people to keep their dogs inside or within a secure enclosure.

In addition, the bill would not distinguish between incorporated and unincorporated areas, meaning the rules would apply both in cities and in rural areas, where enforcement would be impractical. Further, while this bill would provide penalties for non-compliance with the law, it would not address the problem of habitual offenders. This bill should instead require

a dog to be removed from an owner that repeatedly was charged with mistreatment of animals.

NOTES:

The bill as filed would have made it a violation to leave a dog unattended by use of a restraint that unreasonably limited its movement during times of high ozone levels or other hazardous air quality warnings, and it would have provided an exception for dangerous dogs restrained no longer than necessary to ensure the immediate safety of others. The committee substitute does not include these provisions.