

BILL ANALYSIS

Senate Research Center
80R12214 RMB-D

H.B. 1411
By: West, George "Buddy" et al. (Seliger)
Criminal Justice
5/17/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Chaining a dog can make the animal more likely to be a danger to public safety. Chaining a dog can cause physical and behavioral damage to the dog, and chained dogs are often the cause of excessive noise complaints by the public. Current law does not allow an animal control officer to intervene until chained dogs are suffering from obvious signs of starvation, dehydration, or other signs of abuse or neglect.

H.B. 1411 provides that a person commits an offense if the person, under certain conditions, unreasonably restrains 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 Chapter 821, Health and Safety Code, by adding Subchapter D, as follows:

SUBCHAPTER D. UNLAWFUL RESTRAINT OF DOG

Sec. 821.076. DEFINITIONS. Defines "collar," "owner," "properly fitted," and "restraint."

Sec. 821.077. UNLAWFUL RESTRAINT OF DOG. (a) Prohibits an owner from leaving a dog outside and unattended by use of restraint that unreasonably limits the dog's movement under certain conditions.

(b) Sets forth certain conditions under which a restraint is considered to unreasonably limit a dog's movement.

Sec. 821.078. EXCEPTIONS. Provides that Section 821.077 does not apply to a dog restrained under certain circumstances.

Sec. 821.079. PENALTY. (a) Provides that a person commits an offense if the person knowingly violates this subchapter.

(b) Requires a peace officer or animal control officer who has probable cause to believe that an owner is violating this subchapter to provide the owner with a written statement of that fact. Requires the statement to be signed by the officer and plainly state the date on which and the time at which the statement is provided to the owner.

(c) Provides that a person commits an offense if the person is provided a notice statement described by Subsection (b) and fails to comply with this subchapter within 24 hours of the time the owner is provided the statement, and that such an offense is a Class C misdemeanor.

(d) Provides that a person commits an offense if the person violates this subchapter and previously has been convicted of an offense under this subchapter. Provides that an offense under this subsection is a Class B misdemeanor.

(e) Provides that, if a person fails to comply with this subchapter with respect to more than one dog, the person's conduct with respect to each dog constitutes a separate offense.

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

Sec. 821.080. DISPOSITION OF PENALTY. Requires the clerk of a court that collects a penalty under this subchapter to remit the penalty collected for deposit in the general fund of the county.

Sec. 821.081. HAND-HELD LEASHES. Provides that this subchapter does not prohibit a person from walking with a dog with a hand-held leash.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.