

SB 1090 – A BILL TO STRENGTHEN THE TEXAS TETHERING LAW

Thousands of dogs remain tethered on chains in backyards throughout Texas, regardless of weather conditions. In fact, many are tethered as a means of permanent confinement. "Tethering" is the restraint of a dog by means of a chain, rope, leash, cable or other device attached to a stationary object. In 2007, the Texas legislature passed a law to address statewide tethering requirements. However, the law contains an enforcement loophole which requires a 24-hour warning prior to issuing a citation. In fact, THLN has not been able to locate a single prosecution since the tethering law's passage. Animal control officers, animal shelters, law enforcement agencies, and prosecutors have requested this bill to fix the current tethering statewide statute. SB 1090 passed the Senate 28-3. Recently, the House sponsor worked with key legislators to address concerns which have been resolved with strong bi-partisan support.

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The Bill to strengthen the tethering law establishes clear and specific requirements for tethering a dog which include, among other things:

- The tethering device cannot be a chain.
- Weights cannot be attached to the tethering device.
- The tethering device must allow the dog access to "adequate shelter" (a clean and sturdy structure) that protects the dog from direct sunlight, allows the dog protection from rain, hail, sleet, snow, and subfreezing temperatures. The shelter must be large enough to allow the dog to stand erect, sit, turn around, and lie down in a normal manner.
- The tethering device must allow the dog access to water.
- The length of the tethering device must be at least five times the length of the dog as measured from the tip of the dog's nose to the base of the dog's tail or ten feet whichever is greater.
- The tethering device must be attached to a collar or harness constructed of nylon, leather or similar material properly fitted to the dog, cannot be a chain and cannot cause injury to the dog.

These requirements are common sense and consistent with those required already being implemented in many Texas municipal ordinances. This bill would create statewide minimum standards for the tethering of a dog and provide animal control and law enforcement officers and prosecutors an efficient way to enforce the law. Punishment for an offense under the law remains a Class C misdemeanor.

The tethering requirements in the bill do not apply to a dog when the dog: (i) is in the presence of its owner; (ii) is in a public camping or recreational area; (iii) is engaged in or training for a licensed activity such as hunting or fishing; (iv) is engaged in or present at an activity directly related to the shepherding or herding of livestock or the cultivation of agricultural products; or (v) a dog restrained in an open air vehicle for no longer than necessary for the owner to complete a temporary task; (vi) a dog taken by the owner or another person from the owner's residence or property and restrained by the owner or the person for not longer than the time necessary for the owner to engage in an activity that requires the dog to be temporarily restrained; or (vii) a dog engaged in, or training for, hunting or field trialing.

SB 1090 is endorsed by many agencies including the Texas Animal Control Association, Texas Academy of Animal Control Officers, Texas Veterinary Medical Association, Texas Municipal League and the Texas Municipal Police Association.

SUMMARY

It is generally agreed by all that if a dog is tethered, it should be done in the safest and most humane manner possible and an owner must provide adequate food, water, tether and shelter. This bill sets forth straightforward, simple, understandable and enforceable requirements to ensure just that.

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