

Commonly Asked Questions about SB 295

A Bill to Strengthen our Statewide Tethering Law

What are the most common and dangerous aspects of tethering encountered by law enforcement?

Texas law enforcement and animal control officers receive daily calls from citizens concerned about a dog being tethered by cruel and inhumane means. They report that many of the dogs they take into custody due to neglect and abuse are chained dogs, whose chains are frequently entangled preventing access to shelter, have been left for days on end without food and water, and often are in need of medical attention. Dogs tethered by heavy chains often suffer injuries as a result of the weight of the chains and suffer from embedded collars. Other injuries include access to a hazard such as a fence, swimming pool or other structure that could entangle the dog or hang the dog.

What is wrong with the current statewide tethering law in Texas?

To our knowledge, a citation under this state law has never been issued and/or heard by a court. Many animal control officers have, for all practical purposes, given up on issuing tethering violations under this law because it's incredibly difficult to enforce. By way of example, it allows the owner 24 hours to fix the violation. It, therefore, requires the officer to return to the premises (which is inefficient and impractical) when owners who habitually violate the statute temporarily fix the violation with no citation ever issued. Additionally, it allows for inhumane tethering except: (i) during the hours of 10pm to 6am; (ii) in a location within 500 feet of a school; or (iii) in cold weather below 32° or during a heat advisory or storm warning (whatever this means).

If passed, what will the bill do?

The bill effectively re-writes the existing statewide tethering law and replaces it with a straight forward, enforceable and understandable law outlining specific requirements for tethering a dog. This will provide the owner of the dog clear and understandable requirements for the tethering of his/her dog and provide law enforcement with clear standards that will allow them to make a proper decision as to whether or not a violation exists. It also defines "shelter" and prohibits a "chain" as an acceptable restraint. With this bill, animal control officers can effectively stop a dangerous tethering situation before it becomes a cruelty issue and will no longer have to issue a warning before taking action.

What if my city or county already bans tethering or has a stricter tethering ordinance?

This bill will not affect your city or county ordinance if it is more restrictive than the state law and will allow your city or county ordinance to stand as is. There are approximately 150 cities that have more restrictive tethering ordinances or ban tethering altogether. This bill is to help those tethered dogs throughout the state with no local ordinance and who face life or death given the conditions in which they are tethered (no shelter or water, non-survivable weather conditions and other hazardous conditions). We encourage localities to establish even stronger laws according to their law enforcement resources.

Can I still use a chain to tether my dog?

No. Chains will no longer be an acceptable method of tethering under this revised statute. If the chain is small, it usually gets wrapped around a dog's legs, or around a tree or another fixture. If the chain is

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too heavy then it is inhumane and can cause a myriad of health problems for the dog as well as a life of misery. There are many other ways to safely and humanely tether a dog, with the preferred method being a trolley, tie out and/or anchored cable.

If this bill passes, can I still tether my dog?

Yes, as long as you do it in the manner set out in plain simple terms in the revised statute.

Why not ban tethering altogether?

The ideal situation for dogs is a life indoors, being provided the companionship, care and exercise these companion animals need. However, dogs are tethered for a variety of reasons across our diverse state. For example, some pet owners don't have a fenced yard, and the landlord will not allow the pet owner to keep the dog indoors or install a fence. Unfortunately, an outright prohibition law would not be palatable in our current state legislature, and without adequate law-enforcement resources across our varied 254 counties, such a prohibition could not be feasibly implemented. A ban could also result in unintended consequences, such as a dog then being restrained for long-times in an airline crate, or under-resourced individuals losing their pets, with many dogs then needing rescue from impoundment.

Since a ban is not feasible at this time, the best opportunity for state-wide progress is to prohibit the most cruel conditions that currently afflict these tethered dogs, and relieve situations that incur suffering. There is an old saying among lobbyists and politicians "don't let perfection get in the way of progress." Incremental change is the pathway to fundamental change, as resources, education and politics will grow. THLN will continue to pursue opportunities to provide greater protections until no dog lives a life permanently tethered.

Why are there no time limits for tethering in the current bill?

Based on our research of many state tethering laws and other local ordinances, some effective and some not, time limits are inefficient as a means of animal control officers' daily work and incredibly difficult to enforce in a statewide bill. It is extremely inefficient for animal control officers to continue to return to homes after certain time limits have expired. By way of example, many municipalities have limited resources for hiring animal control officers. So it is inefficient for the animal control officer to continue to return to multiple homes throughout their city solely for tethering violations. Additionally, time limits are all but impossible to enforce. The owner can walk the dog inside and take the dog back out starting the time clock over. Research shows that with time limits, the animal control officer returns to the house and an argument ensues with the homeowner who brings the dog in for a second and then tethers the dog again. In conclusion, unless you have a municipality or county that has the resources to effectively monitor time limits, they are an ineffective measure for tethering restrictions especially in a statewide law which is dependent upon local law-enforcement resources.

What if I feel this current bill does not go far enough?

THLN agrees with you. This bill should be thought of as minimum standards for a city or county when animal welfare advocates cannot get them to pass a tethering ordinance. In fact, many counties and cities will never pass their own tethering ordinance, so pass this bill is the only way to give thousands of tethered dogs a chance to survive. THLN has a tool kit to provide citizens to fix their own municipal or county tethering ordinance.

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