

Analysis by Zandra Anderson
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HB 2001 (Unlawful restraint now changed to unlawful enclosure; hand held leashes)

McCall (County Affairs)

SB 634 (Unlawful restraint now changed to unlawful enclosure; hand held leashes)

Seliger (Criminal Justice)

1. This bill changes what is the unlawful restraint law, Sec. 821.077, Health & Safety Code, to making certain enclosures unlawful.
2. This bill has been introduced by animal rights activists in an attempt to prohibit any sort of tethering of dogs and in an effort to control what sort of enclosures may be used by dog owners. The bill even attempts to do away with restraining of a dog by means of a trolley system.
3. The bill sets out requirements for the size of a dog's enclosure and mandates that each dog over six months of age be given 150 square feet of space. That is more space than many manufactured kennel enclosures commonly used which typically are 10' x 10' or 15' x 5'.
4. The bill goes so far as to add that dogs on a leash require that the handler be physically present and in immediate control of the dog.
5. The bill says that a dog may not be left outside in a "restraint" but fails to provide a definition of a restraint.
6. The bill does not allow for a dog to be tethered even for short periods of time.
7. This bill goes so far as to say that a dog cannot be left outside and unattended. This means that an owner cannot leave a dog outside to go to work or even do an errand.

Why We Oppose this Bill:

1. The government should not dictate the kennel size for keeping dogs. There are already cruelty laws in place if an owner is cruelly keeping his dog.
2. This bill purports to outlaw all tethering of dogs except for narrow exceptions like for camping, herding or shepherding. There isn't even an exception for hunting dogs.
3. Dogs can be humanely tethered with greater movement than in a cage.
4. The enclosure size of 150 square feet for each dog over six months of age does not take into consideration the size of the dogs or the number of dogs.
5. Most kennels do not provide 150 square feet per dog, so this bill unfairly targets kennel owners and owners of dogs who keep their dogs in kennels.

6. Many Texas dog owners will lose their dogs if this bill becomes law because it unfairly targets poorer people who cannot afford the enclosures or have the size of the yard it will take to contain dogs. If an owner has five dogs, he or she will have to build an enclosure that is 750 square feet.

7. This law does not take into account that owners who have their dogs kenneled may provide exercise for their animals.

8. This law does not even allow dogs to be outside unless they are attended. People don't even stand watch over their kids playing in the backyard. This means an owner cannot even go to work and let his dog be outside, even with a doggy door.

9. This bill is mandating that all Texas dog be house dogs at all times, and while that might be nice, many Texas owners who have house dogs allow them access to their yard while they are away. So, the government would be allowed to micromanage how and where we keep our dogs.