

Compilation of State of Texas Animal Control Laws

Essentially, every county in Texas has animal control if related laws are proactively enforced. Proactively enforcing these laws offers promise for the correction of pet overpopulation in our county because it will instill responsibility with pet ownership. The root of pet overpopulation stems from irresponsible people who allow their pets to remain unsterilized, run at large and to breed at will—thus fueling pet overpopulation and burdening our communities and citizens with four serious liabilities—health, economic, legal, and safety (HELS). The following is a compilation of existing State of Texas laws relating to animal control. Because the majority of our county is without local (city) law enforcement, the Sheriff Office becomes an important part in animal control for our county. To fully support an animal control program, a central animal shelter is needed as its nucleus—a challenge that Hill County Paw Pals has been fund raising and facilitating for the past six years. The laws are:

- 1) **Texas Rabies Control Act** (Texas Health and Safety Code, Chapter 826). Requires all pet owners to vaccinate (and keep current) their pets against the deadly rabies virus after four months of age. Class C Misdemeanor with up to \$300 fine.
- 2) **Abandonment of Dogs and Cats** (Penal Code 42.09 Animal Cruelty). Class A Misdemeanor with up to \$4,000 fine and/or year in jail.
- 3) **Shooting “stray” Dogs and Cats** (Penal Code 42.09 Animal Cruelty). Any person who shoots a non-livestock animal, which includes any stray or feral cat or dog, and a wild living creature previously captured, can be charged with a felony offense. Penal Code 42.092 of the State of Texas law states that a person must have the owner’s consent to kill the animal (exceptions to prosecution are provided in Section 42.092(e)(1)). It is clear that a “stray” dog or cat either has no owner or that the person who shoots the animal did not get the owner’s consent.
- 4) **Dogs Dangerous to Animals** (Texas Health and Safety Code Chapter 822 Subchapter B). The owner or keeper of a dog that the person knows is accustomed to chase or kill livestock, domestic animals, or fowl may not allow the dog to run at large. The penalty of the owner who allows his dog to run at large is in violation and can be punished with a fine not to exceed \$100. This law became effective in 1989.
- 5) **Keeping a Dangerous Dog** (Texas Health and Safety Code Chapter 822 Sub-Chapter D). A dangerous dog is defined as one that makes unprovoked attacks or acts like it’s going to attack a person when it is out of the enclosure which it is being kept. State of Texas law (Chapter 822.041) states that the owner of a dangerous dog must register the dog with animal control office or the Sheriff Office in areas without an animal control office and restrain the dog at all times on a leash when outside its secure enclosure. The owner must also purchase a \$100,000 liability insurance policy specific for the dog to cover the cost of potential damage to a person. This law became effective in 1991.
- 6) **Local Rabies Control Authority** (Health and Safety Code Chapter 826.017). Mandates that every county have this position.
- 7) **HB-916**—Dog fighting. Increases penalty for dog fighting from a Class A Misdemeanor to a State Jail Felony and increases punishment for people who attend dog fights.
- 8) **HB-1141**—Anti-tethering law. Prohibits an owner from tethering a dog outside between the hours of 10pm to 6am and prohibits tethering for more than 3 hours. It also prohibits tethering outside during extreme weather conditions such as when temperature is below 32 degrees Fahrenheit.
- 9) **HB-1355**—Known as Lillian’s Law. This law provides that a dog owner can be held criminally responsible if the dog causes serious bodily injury or death at a location other than the owner’s property in an unprovoked attack during which the owner by criminal negligence failed to secure the dog.
- 10) **Texas Health & Safety Code, Chapter 821** (Treatment & Disposition of Animals), **Subchapter C**. Requires all animals in animal shelters be euthanized in a humane manner with only one of two methods by a licensed veterinarian or certified technician: administering sodium pentobarbital or commercially compressed carbon monoxide. In Subchapter C, “animal shelter” is defined as a facility that collects, impounds or keeps stray, homeless, abandoned or unwanted animals. Thus, Subchapter C applies to rescue groups, humane societies, public animal shelters, and confinement areas used by law enforcement officers for abandoned or unwanted animals in the interest of public safety and health. A violation of any provision of Subchapter C is punishable as a **Class B misdemeanor which carries a penalty of up to 180 days in jail or a fine of up to \$2,000 or both**. In other words, communities cannot shoot, poison, drown or dump their “strays”.

Definition of “Custodian” of a Dog (Texas Administration Code 169.22) is defined as a person or agency which feeds, shelters, harbors, owns, has possession or control of, or has the responsibility to control an animal. No time limit is established (i.e., 3-days)