

2018 Regular Session

HOUSE BILL NO. 121

BY REPRESENTATIVE COUSSAN

ANIMALS: Provides relative to the crime of unlawful restraint of a dog

1 AN ACT

2 To amend and reenact R.S. 14:102.26(B), relative to the crime of unlawful restraint of a dog;
3 to provide relative to the elements of the criminal offense; to provide specific
4 prohibitions relative to the tying, tethering, or restraining of a dog under certain
5 conditions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:102.26(B) is hereby amended and reenacted to read as follows:

8 §102.26. Unlawful restraint of a dog; definitions; penalties

9 * * *

10 B. It shall be unlawful to tie, tether, or restrain any animal in a manner that
11 is inhumane, cruel, or detrimental to its welfare including but not limited to using a
12 restraint less than ten feet in length, or less than five times the length of the dog's
13 body from tip of nose to base of tail, whichever is greater; using a restraint that
14 causes injury or pain to the dog because of the material of which it is made or
15 because of the size or weight of the restraint; or using a restraint that weighs more
16 than one-eighth of the dog's body weight.

17 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 121 Reengrossed

2018 Regular Session

Coussan

Abstract: Amends the crime of unlawful restraint of a dog to provide the conditions under which the tying, tethering, or restraining of the dog is considered inhumane, cruel, or detrimental to its welfare.

Present law prohibits the tying, tethering, or restraining of any animal in a manner that is inhumane, cruel, or detrimental to its welfare and provides that whoever violates these provisions shall be fined not more than \$300.

Present law further provides for certain exceptions to the offense including the following:

- (1) Accepted veterinary practices.
- (2) Activities carried on for scientific or medical research governed by accepted standards.
- (3) A dog restrained to a running line, pulley, or trolley system and is not restrained to the running line, pulley, or trolley system by means of a pinch-type, prong-type, choke-type, or improperly fitted collar.
- (4) A dog restrained in compliance with the requirements of a camping or recreational area as defined by a federal, state, or local authority or jurisdiction.
- (5) A dog restrained while the owner is engaged in, or actively training for, an activity that is conducted pursuant to a valid license issued by this state if the activity for which the license is issued is associated with the use or presence of a dog.
- (6) A dog restrained while the owner is engaged in conduct directly related to the business of shepherding or herding cattle or livestock.
- (7) A dog restrained while the owner is engaged in conduct directly related to the business of cultivating agricultural products if the restraint is reasonably necessary for the safety of the dog.
- (8) A dog being restrained and walked with a hand-held leash regardless of the type of collar being used.

Proposed law retains present law and adds specific conditions under which the tying, tethering, or restraining of an animal is considered to be inhumane, cruel, or detrimental to its welfare. Such conditions include using a restraint less than ten feet in length, or less than five times the length of the dog's body from tip of nose to base of tail, whichever is greater; using a restraint that causes injury or pain to the dog because of the material of which it is made or because of the size or weight of the restraint; or using a restraint that weighs more than one-eighth of the dog's body weight.

(Amends R.S. 14:102.26(B))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Remove the following as specific conditions under which the tying, tethering, or restraining of the dog is considered to be inhumane, cruel, or detrimental to its health:
 - (a) Tying, tethering, or restraining the dog in any area where there is an accumulation of feces or other waste, insect infestation, rodent infestation, foul odor, or another unsanitary or dangerous condition within the radius of the restraint.
 - (b) Tying, tethering, or restraining the dog in a way that restricts the dog from easily standing, sitting, lying down, turning about, and making all other normal body movements in a comfortable, normal position for the dog.
 - (c) Tying, tethering, or restraining the dog in an area likely to cause injury or pain to the dog because of entanglement or because of surrounding structures.
 - (d) Tying, tethering, or restraining the dog in an area that allows the dog to cross the property line of the property on which it is tethered.
 - (e) Tying, tethering, or restraining the dog in a manner that exposes the dog to extreme weather conditions.

The House Floor Amendments to the engrossed bill:

1. Restore present law which prohibits the tying, tethering, or restraining of any animal in a manner that is inhumane, cruel, or detrimental to its welfare, and specify that the provisions of proposed law apply specifically to the tying, tethering, or restraining of a dog.