

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 environmental and weather 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~~ a dog in a manner
11 that is inhumane, cruel, or detrimental to its welfare including any of the following:

12 (1) Using a restraint less than ten feet in length, or less than five times the
13 length of the dog's body from tip of nose to base of tail, whichever is greater; using
14 a restraint that causes injury or pain to the dog because of the material of which it is
15 made or because of the size or weight of the restraint; or using a restraint that weighs
16 more than one-eighth of the dog's body weight.

17 (2) Tying, tethering, or restraining the dog in any area where there is an
18 accumulation of feces or other waste, insect infestation, rodent infestation, foul odor,
19 or another unsanitary or dangerous condition within the radius of the restraint.

- (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 but provides the following list of specific conditions under which the tying, tethering, or restraining of the dog is considered inhumane, cruel, or detrimental to its welfare:

- (1) 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.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) Tying, tethering, or restraining the dog in a manner that exposes the dog to extreme weather conditions, including any of the following:
 - (a) The actual or effective outdoor temperature is below 32°F or above 90°F.
 - (b) A heat advisory has been issued by a local or state authority or jurisdiction for the area in which the dog is tied, tethered, or restrained.
 - (c) A hurricane, tropical storm, or tornado warning has been issued by the National Weather Service for the area in which the dog is tied, tethered, or restrained.

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