

**SUBJECT:** Expanding use of operation game thief program fund

**COMMITTEE:** Culture, Recreation, and Tourism — favorable, without amendment

**VOTE:** 5 ayes — Hilderbran, Kuempel, Baxter, Dukes, Dunnam  
0 nays  
2 absent — Gallego, Phillips

**WITNESSES:** For — Ray Bailey, Operation Game Thief; (*Registered, but did not testify:*  
Larry McGinnis, Operation Game Thief Committee)  
  
Against — None  
  
On — L.D. Turner, Texas Parks and Wildlife

**BACKGROUND:** The Operation Game Thief (OGT) program of the Texas Parks and Wildlife Department (TPWD), created by statute in 1981, offers rewards for information leading to the arrest and conviction of individuals who flagrantly violate the Parks and Wildlife Code, regulations, or proclamations that apply to the taking, possession, or sale of an animal, bird, reptile, or fish. The program is privately funded, and the money is deposited in a special fund outside of the treasury.  
  
Under Parks and Wildlife Code, sec. 12.201, money in the OGT fund may be used only for the maintenance of the fund, promotion of the program, and payment of rewards and death benefits to TPWD peace officers killed in the line of duty. The OGT Committee, composed of nine members appointed by the TPWD executive director, makes reward and death benefit payments from the fund.

**DIGEST:** HB 2032 would expand the purposes of the operation game thief fund to include the development, acquisition, and implementation of technological advancements to facilitate the apprehension and prosecution of persons violating laws intended to protect Texas' natural and cultural resources or to protect persons using those resources.

The bill would expand the list of violations for which individuals could supply information and apply for OGT rewards to include the following:

- illegal dumping and litter;
- damage or destruction to certain antiquities;
- taxes on the sales and use of boats and boat motors;
- criminal offenses in the Water Code;
- water quality and control; and
- the Penal Code offenses of criminal trespass, theft, tampering with identification numbers on property, tampering with government records, boating while intoxicated, intoxication assault, and intoxication manslaughter.

The bill would remove the requirement that information had to be about a flagrant violation and allow information about all violations to be considered for an award. It also would remove current language limiting violations that could merit an award to those applying to the taking, possession, or sale of an animal, bird, reptile, or fish.

The bill would take effect September 1, 2005. Convictions of persons before September 1, 2005, for violations that fit the definition in current law could continue to be the basis for an award. However, convictions of persons before September 1, 2005, for the violations that would be added by HB 2032 could not be the basis for an OGT award.

**SUPPORTERS  
SAY:**

HB 2032 would update OGT requirements so that the fund could be used to better help wardens enforce the laws. OGT has proved an effective tool for combating poachers and other law breakers by rewarding persons who provide information that helps with arrests and convictions, and HB 2032 would make it even more effective.

The bill would broaden the authorized uses of the OGT fund so that it could be used for developing and purchasing new technologies that could help wardens catch and prosecute law breakers. For example, the committee might wish to purchase new lifelike deer decoys to help catch persons illegally hunting from a road, but current law is too restrictive.

HB 2032 would broaden the types of violations for which persons could provide useful information and be rewarded to better reflect the sorts of violations that wardens encounter every day. For example, the bill would allow the fund to be used to combat illegal oystering or for violations of

criminal trespassing to hunt on private or public lands. People who aid in the conviction of such law breakers are performing a valuable service and should receive the same opportunity to receive an award.

HB 2032 would remove the requirement that information be about a “flagrant” violation so that all persons providing information would be eligible for a reward. The OGT Committee would continue to review requests and make awards only in appropriate situations.

Concerns that HB 2032 could lead to excessive demands on the fund are unfounded because the OGT Committee has the discretion to make rewards as it sees fit. HB 2032 would not change the process or restrictions placed on rewards. The fund is in no danger of being depleted, and the committee would continue to oversee it to ensure that this did not happen.

**OPPONENTS  
SAY:**

Expanding the types of violations and removing the requirement that violations be flagrant could lead to excessive demands on the fund for small or technical violations.