

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1959
By: McReynolds (Armbrister)
Natural Resources
5/17/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Many Texans consider hunting a basic foundation to their way of life. People spend precious resources and time maintaining and cultivating good hunting habitats. Unfortunately, there are people in this state who choose to violate Texas laws which spoil the sport for others. Twenty years ago, the Texas Parks and Wildlife Commission adopted rules outlawing hunting deer with dogs in all Texas counties. Dogs can still be used in trailing a wounded deer in all but 24 East Texas counties. Although these rules exist, East Texas has been continually plagued with incidents of hunting deer with dogs. Due to restricted visibility of East Texas forests, it is difficult for game wardens to enforce and charge violators who hunt deer with dogs. Without adequate enforcement tools, outlaws will continue to spoil deer hunting for those who abide by existing law.

C.S.H.B. 1959 codifies Title 31, Rule 65.19 of the Texas Administrative Code (Hunting Deer with Dogs) into a new section of the Parks and Wildlife Code. It grants the Parks and Wildlife Commission additional authority to adopt rules as to the type of firearms that can be used during open deer season when a person is in possession of a dog on property other than their own in the 24 East Texas counties. C.S.H.B. 1959 also enhances the penalty for people who continue to hunt deer with dogs. This new penalty is consistent with other violations of the Parks and Wildlife Code.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Parks and Wildlife Commission in SECTION 2 (Section 62.0065, Parks and Wildlife Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Sets forth legislative intent regarding the unlawful hunting of deer with dogs.

SECTION 2. Amends Subchapter A, Chapter 62, Parks and Wildlife Code, by adding Section 62.0065, as follows:

Sec. 62.0065. HUNTING DEER WITH DOGS. (a) Prohibits a person from recklessly using a dog to hunt or pursue a deer in this state, except as provided by Subsection (d).

(b) Authorizes the Texas Parks and Wildlife Commission (commission), by rule, subject to Subsection (a), to prescribe the type of firearm that may be possessed during an open deer season by a person who is in actual or constructive possession of a dog while in the field on another person's land or property in specific counties.

(c) Provides that it is not a defense to prosecution under Subsection (a) or to prosecution for violation of a rule adopted under Subsection (b) that the defendant was not the owner or in immediate possession of the dog or that the offense or violation was committed without the effective consent of the dog's owner.

(d) Authorizes the commission, by rule, to authorize the use of dogs to trail wounded deer.

SECTION 3. Amend Sections 62.013(b) and (c), Parks and Wildlife Code, as follows:

(b) Provides that a person who violates specific sections, including Section 62.0065, or a rule adopted under Section 62.0065 commits an offense that is a Class A Parks and Wildlife Code misdemeanor, unless certain specific conditions are met. Makes conforming changes.

(c) Makes conforming changes.

SECTION 4. Amends Sections 62.017(a) and (c), Parks and Wildlife Code, as follows:

(a) Provides that if a person is finally convicted of an offense under specific sections, including Sections 61.022, 62.0065, or a violation of a rule adopted under Section 62.0065, the court entering judgment of conviction is authorized to order any weapon or other personal property used in the commission of the offense or violation destroyed or forfeited to the Texas Parks and Wildlife Department (TPWD).

(c) Provides that this section does not apply to a vehicle, aircraft, vessel, or dog.

SECTION 5. Amends Sections 12.5015(a), (b), and (c), Parks and Wildlife Code, to make conforming changes.

SECTION 6. Makes application of this Act prospective.

SECTION 7. Effective date: September 1, 2005.