

## BILL ANALYSIS

Senate Research Center  
80R10152 ABC-D

H.B. 1310  
By: Hilderbran (Hegar)  
S/C on Ag., Rural Affairs, & Coastal Resources  
5/8/2007  
Engrossed

### AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently statute requires the edible portions of many birds, animals, and fish to be kept in an edible condition. Alligators, mollusks, and crustaceans are not included in this requirement.

H.B. 1310 requires a person to keep the edible portions of alligators, mollusks, and crustaceans and creates an offense for a person who intentionally, knowingly, recklessly, or with criminal negligence fails to do so. This bill also includes a penalty for such actions by a person receiving certain animals.

### RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 12.306, Parks and Wildlife Code, as follows:

Sec. 12.306. BOTH CIVIL SUIT AND CRIMINAL PROSECUTION PERMISSIBLE. (a) Creates this subsection from existing text.

(b) Provides that, for purposes of Subsection (a), a criminal prosecution includes the prosecution of an offense under Section 62.011 (Retrieval of Waste and Game), 65.0072, or 75.001.

SECTION 2. Amends Section 62.011(b), Parks and Wildlife Code, as follows:

(b) Provides that it is an offense if a person intentionally receives a game bird, game animal, or a fish and intentionally, knowingly, or recklessly, or with criminal negligence, fails to keep the edible portions of the bird, animal, or fish in an edible condition, except as provided by Subsection (c).

SECTION 3. Amends Chapter 65, Parks and Wildlife Code, by adding Section 65.0072, as follows:

Sec. 65.0072. WASTE OF ALLIGATOR. Provides that it is an offense if a person intentionally takes an alligator and intentionally, knowingly, or recklessly, or with criminal negligence, fails to keep the edible portions of the alligator in an edible condition.

SECTION 4. Amends Sections 65.008(c) and (d), Parks and Wildlife Code, as follows:

(c) Provides that an offense is a Class B Parks and Wildlife Code misdemeanor if it is shown at trial that the defendant has been once before convicted of a violation of this chapter other than a violation of Section 65.0072.

(d) Provides that an offense is a Class A Parks and Wildlife Code misdemeanor if it is shown at trial that the defendant has, two or more previous times, been convicted of a violation of this chapter other than a violation of Section 65.0072.

SECTION 5. Amends Subtitle D, Title 5, Parks and Wildlife Code, by adding Chapter 75, as follows:

CHAPTER 75. GENERAL PROVISIONS

Sec. 75.001. WASTE OF CRUSTACEANS OR MOLLUSKS. (a) Provides that it is an offense if a person intentionally takes a crustacean or mollusk, the taking of which is regulated under Chapter 76 (Oysters), 77 (Shrimp), or 78 (Mussels, Clams, and Crabs), and intentionally, knowingly, or recklessly, or with criminal negligence, fails to keep the edible portions of the crustacean or mollusk in an edible condition.

(b) Provides that an offense under this section is a Class C Parks and Wildlife misdemeanor.

SECTION 6. Effective date: September 1, 2007.