

BILL ANALYSIS

Senate Research Center
87R3814 MP-F

H.B. 2326
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Water, Agriculture & Rural Affairs
4/29/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Non-native Burmese Pythons have established a breeding population in South Florida and are one of the most concerning invasive species in the Everglades. In an effort to bolster efforts to keep the species from invading Texas, interested parties have asked to clarify current law and specifically name the Burmese Python as a nonindigenous snake requiring a permit to possess or transport in the state.

H.B. 2326 would amend the Parks and Wildlife Code to add Burmese pythons to the types of nonindigenous snakes that require a permit to possess or transport in the state. It would increase the punishment for failure to obtain a permit from a Class C misdemeanor to a Class B misdemeanor under certain circumstances.

H.B. 2326 amends current law relating to the possession, transportation, and release of certain nonindigenous snakes and increases a criminal penalty.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Parks and Wildlife Commission is modified in SECTION 1 (Section 43.851, Parks and Wildlife Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 43.851(a), Parks and Wildlife Code, as follows:

(a) Requires the Texas Parks and Wildlife Commission by rule to establish permits that allow permit holders to possess or transport in Texas a live nonindigenous snake, including a hybrid of any kind, that is one of certain constrictors, including a Burmese python, *Python bivittatus*. Makes nonsubstantive changes.

SECTION 2. Amends Section 43.853, Parks and Wildlife Code, to prohibit a person from intentionally, knowingly, recklessly, or with criminal negligence releasing or allowing the release from captivity of a nonindigenous snake, rather than of a snake covered by Subchapter V (Nonindigenous Snake Permit).

SECTION 3. Amends Section 43.856, Parks and Wildlife Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Provides that, except as provided by Subsection (b) (relating to providing that an offense is committed if a person violates certain nonindigenous snake permit rules) or (c), rather than except as provided by Subsection (c), a person who violates Subchapter V or a rule adopted under Subchapter V commits an offense that is a Class C Parks and Wildlife Code misdemeanor.

(c) Requires that on conviction, if it is shown at the trial of the defendant for a violation of Subchapter V or a rule adopted under Subchapter V that the defendant has engaged in a commercial activity without holding a required permit and the defendant has been previously convicted of a violation of Subchapter V or a rule adopted under Subchapter V, the defendant be punished for a Class B Parks and Wildlife Code misdemeanor.

SECTION 4. Effective date: September 1, 2021.