

By: Bailes

H.B. No. 3065

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the taking of wildlife by an employee of the Parks and
3 Wildlife Department or by a person or agent of the person on the
4 person's property.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 12.013, Parks and Wildlife Code, is
7 amended by amending Subsection (a) and adding Subsections (c), (d),
8 (e), and (f) to read as follows:

9 (a) An employee of the department acting within the scope of
10 the employee's authority may possess, take, transport, release, and
11 manage any of the wildlife and fish in this state for public safety,
12 investigation, propagation, distribution, education, disease
13 diagnosis or prevention, or scientific purposes.

14 (c) An employee of the department acting within the scope of
15 the employee's authority may discharge a firearm to take wildlife
16 on a public road or right-of-way if the wildlife is:

17 (1) mortally injured; or
18 (2) behaving in a manner consistent with the wildlife
19 being diseased.

20 (d) Except as provided by Subsection (e), a person or agent
21 of the person may take wildlife on the person's property if the
22 person:

23 (1) has written authorization from the department; and
24 (2) is participating under the supervision of a

1 department employee in a program or event designated by the
2 director as being conducted for the diagnosis, management, or
3 prevention of a disease in wildlife.

4 (e) Subsection (d) does not apply to a person or agent who is
5 a department employee.

6 (f) The commission may adopt rules to implement this
7 section.

8 SECTION 2. Section 62.0031(b), Parks and Wildlife Code, is
9 amended to read as follows:

10 (b) This section does not apply to:

11 (1) the trapping of a raptor for educational or
12 sporting purposes as provided by Chapter 49; or

13 (2) an employee of the department taking wildlife as
14 provided by Section 12.013(c).

15 SECTION 3. Section 42.01, Penal Code, is amended by adding
16 Subsection (e-1) to read as follows:

17 (e-1) Subsection (a)(9) does not apply to a person who, at
18 the time the person engaged in conduct prohibited under that
19 subdivision, was an employee of the Parks and Wildlife Department
20 acting within the scope of the employee's authority under Section
21 12.013(c), Parks and Wildlife Code.

22 SECTION 4. The change in law made by this Act applies only
23 to an offense committed on or after the effective date of this Act.
24 An offense committed before the effective date of this Act is
25 governed by the law in effect on the date the offense was committed,
26 and the former law is continued in effect for that purpose. For
27 purposes of this section, an offense was committed before the

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1 effective date of this Act if any element of the offense occurred
2 before that date.

3 SECTION 5. This Act takes effect September 1, 2023.