

1-1 By: Bailes (Senate Sponsor - Springer) H.B. No. 3065
1-2 (In the Senate - Received from the House May 1, 2023;
1-3 May 2, 2023, read first time and referred to Committee on Water,
1-4 Agriculture & Rural Affairs; May 4, 2023, reported favorably by the
1-5 following vote: Yeas 9, Nays 0; May 4, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the taking of wildlife by an employee of the Parks and
1-20 Wildlife Department or by a person or agent of the person on the
1-21 person's property.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 12.013, Parks and Wildlife Code, is
1-24 amended by amending Subsection (a) and adding Subsections (c), (d),
1-25 (e), and (f) to read as follows:

1-26 (a) An employee of the department acting within the scope of
1-27 the employee's authority may possess, take, transport, release, and
1-28 manage any of the wildlife and fish in this state for public safety,
1-29 investigation, propagation, distribution, education, disease
1-30 diagnosis or prevention, or scientific purposes.

1-31 (c) An employee of the department acting within the scope of
1-32 the employee's authority may discharge a firearm to take wildlife
1-33 on a public road or right-of-way if the wildlife is:

1-34 (1) mortally injured; or

1-35 (2) behaving in a manner consistent with the wildlife
1-36 being diseased.

1-37 (d) Except as provided by Subsection (e), a person or agent
1-38 of the person may take wildlife on the person's property if the
1-39 person:

1-40 (1) has written authorization from the department; and

1-41 (2) is participating under the supervision of a
1-42 department employee in a program or event designated by the
1-43 director as being conducted for the diagnosis, management, or
1-44 prevention of a disease in wildlife.

1-45 (e) Subsection (d) does not apply to a person or agent who is
1-46 a department employee.

1-47 (f) The commission may adopt rules to implement this
1-48 section.

1-49 SECTION 2. Section 62.0031(b), Parks and Wildlife Code, is
1-50 amended to read as follows:

1-51 (b) This section does not apply to:

1-52 (1) the trapping of a raptor for educational or
1-53 sporting purposes as provided by Chapter 49; or

1-54 (2) an employee of the department taking wildlife as
1-55 provided by Section 12.013(c).

1-56 SECTION 3. Section 42.01, Penal Code, is amended by adding
1-57 Subsection (e-1) to read as follows:

1-58 (e-1) Subsection (a)(9) does not apply to a person who, at
1-59 the time the person engaged in conduct prohibited under that
1-60 subdivision, was an employee of the Parks and Wildlife Department
1-61 acting within the scope of the employee's authority under Section

2-1 [12.013\(c\)](#), Parks and Wildlife Code.

2-2 SECTION 4. The change in law made by this Act applies only
2-3 to an offense committed on or after the effective date of this Act.
2-4 An offense committed before the effective date of this Act is
2-5 governed by the law in effect on the date the offense was committed,
2-6 and the former law is continued in effect for that purpose. For
2-7 purposes of this section, an offense was committed before the
2-8 effective date of this Act if any element of the offense occurred
2-9 before that date.

2-10 SECTION 5. This Act takes effect September 1, 2023.

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