

By: Cook of Colorado

H.B. No. 1529

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the inspection of wildlife resources and devices used  
3 to catch or hunt wildlife resources and to the cold storage of game  
4 animals.

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

6 SECTION 1. Subchapter B, Chapter 12, Parks and Wildlife  
7 Code, is amended by adding Section 12.102 to read as follows:

8 Sec. 12.102. INSPECTION OF WILDLIFE RESOURCES. (a) In this  
9 section:

10 (1) "Residence" means a person's principal or ordinary  
11 home or dwelling place.

12 (2) "Temporary residence" means a place where a person  
13 temporarily dwells or seeks shelter. The term does not include a  
14 hunting blind. The term does include a:

15 (A) hunting club or lodge;

16 (B) clubhouse;

17 (C) cabin;

18 (D) tent;

19 (E) manufactured home used as a hunting club or  
20 lodge; and

21 (F) hotel room, motel room, or room in a  
22 boardinghouse used during a hunting trip.

23 (3) "Wildlife resource" means any animal, bird,  
24 reptile, amphibian, fish, or form of aquatic life or any part of an

1 animal, bird, reptile, amphibian, fish, or form of aquatic life the  
2 hunting, catching, or possession of which is regulated by this  
3 code.

4 (b) Except as provided by Subsection (d), a game warden or  
5 other peace officer commissioned by the department who observes a  
6 person engaged in an activity regulated by this code or under the  
7 jurisdiction of the commission or reasonably believes that a person  
8 is or has been engaged in an activity regulated by this code or  
9 under the jurisdiction of the commission may inspect:

10 (1) any license, permit, tag, or other document issued  
11 by the department and required by this code of a person hunting or  
12 catching wildlife resources;

13 (2) any device that may be used to hunt or catch a  
14 wildlife resource;

15 (3) any wildlife resource in the person's possession;  
16 and

17 (4) the contents of any container or receptacle that  
18 is commonly used to store or conceal a wildlife resource.

19 (c) Except as provided by Subsection (d), a game warden or  
20 other peace officer commissioned by the department may inspect any  
21 wildlife resource that has been taken by a person and is in plain  
22 view of the game warden or other peace officer.

23 (d) Nothing in this section authorizes a game warden or  
24 other peace officer commissioned by the department to conduct a  
25 search otherwise authorized by this section:

26 (1) in a person's residence or temporary residence; or

27 (2) on a publicly maintained road or way that is:

1                    (A) improved, designed, or ordinarily used for  
2 vehicular traffic;

3                    (B) open to the public; and

4                    (C) distinguishable from a shoulder, berm, or  
5 other area not intended for vehicular traffic.

6                    SECTION 2. Section 62.029, Parks and Wildlife Code, is  
7 amended by adding Subsection (f) to read as follows:

8                    (f) This section does not apply to a private, noncommercial,  
9 family-owned cold storage or processing facility.

10                    SECTION 3. This Act takes effect September 1, 2003.