

AN ACT

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

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

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

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

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

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

(A) hunting club or lodge;

(B) clubhouse;

(C) cabin;

(D) tent;

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

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

(3) "Wildlife resource" means any animal, bird, 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.

President of the Senate

Speaker of the House

I certify that H.B. No. 1529 was passed by the House on April 30, 2003, by the following vote: Yeas 72, Nays 61, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1529 was passed by the Senate on May 27, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor