

1-1 By: Cook of Colorado (Senate Sponsor - Armbrister) H.B. No. 1529
1-2 (In the Senate - Received from the House May 1, 2003;
1-3 May 6, 2003, read first time and referred to Committee on Natural
1-4 Resources; May 19, 2003, reported favorably by the following vote:
1-5 Yeas 9, Nays 0; May 19, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the inspection of wildlife resources and devices used
1-9 to catch or hunt wildlife resources and to the cold storage of game
1-10 animals.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter B, Chapter 12, Parks and Wildlife
1-13 Code, is amended by adding Section 12.102 to read as follows:

1-14 Sec. 12.102. INSPECTION OF WILDLIFE RESOURCES. (a) In this
1-15 section:

1-16 (1) "Residence" means a person's principal or ordinary
1-17 home or dwelling place.

1-18 (2) "Temporary residence" means a place where a person
1-19 temporarily dwells or seeks shelter. The term does not include a
1-20 hunting blind. The term does include a:

1-21 (A) hunting club or lodge;

1-22 (B) clubhouse;

1-23 (C) cabin;

1-24 (D) tent;

1-25 (E) manufactured home used as a hunting club or
1-26 lodge; and

1-27 (F) hotel room, motel room, or room in a
1-28 boardinghouse used during a hunting trip.

1-29 (3) "Wildlife resource" means any animal, bird,
1-30 reptile, amphibian, fish, or form of aquatic life or any part of an
1-31 animal, bird, reptile, amphibian, fish, or form of aquatic life the
1-32 hunting, catching, or possession of which is regulated by this
1-33 code.

1-34 (b) Except as provided by Subsection (d), a game warden or
1-35 other peace officer commissioned by the department who observes a
1-36 person engaged in an activity regulated by this code or under the
1-37 jurisdiction of the commission or reasonably believes that a person
1-38 is or has been engaged in an activity regulated by this code or
1-39 under the jurisdiction of the commission may inspect:

1-40 (1) any license, permit, tag, or other document issued
1-41 by the department and required by this code of a person hunting or
1-42 catching wildlife resources;

1-43 (2) any device that may be used to hunt or catch a
1-44 wildlife resource;

1-45 (3) any wildlife resource in the person's possession;
1-46 and

1-47 (4) the contents of any container or receptacle that
1-48 is commonly used to store or conceal a wildlife resource.

1-49 (c) Except as provided by Subsection (d), a game warden or
1-50 other peace officer commissioned by the department may inspect any
1-51 wildlife resource that has been taken by a person and is in plain
1-52 view of the game warden or other peace officer.

1-53 (d) Nothing in this section authorizes a game warden or
1-54 other peace officer commissioned by the department to conduct a
1-55 search otherwise authorized by this section:

1-56 (1) in a person's residence or temporary residence; or

1-57 (2) on a publicly maintained road or way that is:

1-58 (A) improved, designed, or ordinarily used for
1-59 vehicular traffic;

1-60 (B) open to the public; and

1-61 (C) distinguishable from a shoulder, berm, or
1-62 other area not intended for vehicular traffic.

1-63 SECTION 2. Section 62.029, Parks and Wildlife Code, is
1-64 amended by adding Subsection (f) to read as follows:

2-1 (f) This section does not apply to a private, noncommercial,
2-2 family-owned cold storage or processing facility.
2-3 SECTION 3. This Act takes effect September 1, 2003.

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