

By: Armbrister

S.B. No. 989

A BILL TO BE ENTITLED

AN ACT

relating to the inspection of wildlife resources and devices used to catch or hunt wildlife resources; providing a criminal penalty.

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 animal, bird, reptile, amphibian, fish, or form of aquatic life the

1 hunting, catching, or possession of which is regulated by this
2 code.

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

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

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

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

16 (4) the contents of any container or receptacle that
17 could reasonably be used to store or conceal a wildlife resource.

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

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

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

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

27 (A) improved, designed, or ordinarily used for

1 vehicular traffic;

2 (B) open to the public; and

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

5 (e) A person who refuses to allow a game warden or other
6 peace officer commissioned by the department to conduct an
7 inspection under Subsection (b) or (c) commits an offense that is a
8 Class C Parks and Wildlife Code misdemeanor.

9 SECTION 2. This Act takes effect September 1, 2003.