

1-1 By: Armbrister S.B. No. 989
1-2 (In the Senate - Filed March 7, 2003; March 13, 2003, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 22, 2003, reported favorably by the following vote: Yeas 9,
1-5 Nays 1; April 22, 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; providing a criminal penalty.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter B, Chapter 12, Parks and Wildlife
1-12 Code, is amended by adding Section 12.102 to read as follows:

1-13 Sec. 12.102. INSPECTION OF WILDLIFE RESOURCES. (a) In
1-14 this section:

1-15 (1) "Residence" means a person's principal or ordinary
1-16 home or dwelling place.

1-17 (2) "Temporary residence" means a place where a person
1-18 temporarily dwells or seeks shelter. The term does not include a
1-19 hunting blind. The term does include a:

1-20 (A) hunting club or lodge;

1-21 (B) clubhouse;

1-22 (C) cabin;

1-23 (D) tent;

1-24 (E) manufactured home used as a hunting club or
1-25 lodge; and

1-26 (F) hotel room, motel room, or room in a
1-27 boardinghouse used during a hunting trip.

1-28 (3) "Wildlife resource" means any animal, bird,
1-29 reptile, amphibian, fish, or form of aquatic life or any part of an
1-30 animal, bird, reptile, amphibian, fish, or form of aquatic life the
1-31 hunting, catching, or possession of which is regulated by this
1-32 code.

1-33 (b) Except as provided by Subsection (d), a game warden or
1-34 other peace officer commissioned by the department who observes a
1-35 person engaged in an activity regulated by this code or under the
1-36 jurisdiction of the commission or reasonably believes that a person
1-37 is or has been engaged in an activity regulated by this code or
1-38 under the jurisdiction of the commission may inspect:

1-39 (1) any license, permit, tag, or other document issued
1-40 by the department and required by this code of a person hunting or
1-41 catching wildlife resources;

1-42 (2) any device that may be used to hunt or catch a
1-43 wildlife resource;

1-44 (3) any wildlife resource in the person's possession;
1-45 and

1-46 (4) the contents of any container or receptacle that
1-47 could reasonably be used to store or conceal a wildlife resource.

1-48 (c) Except as provided by Subsection (d), a game warden or
1-49 other peace officer commissioned by the department may inspect any
1-50 wildlife resource that has been taken by a person and is in plain
1-51 view of the game warden or other peace officer.

1-52 (d) Nothing in this section authorizes a game warden or
1-53 other peace officer commissioned by the department to conduct a
1-54 search otherwise authorized by this section:

1-55 (1) in a person's residence or temporary residence; or

1-56 (2) on a publicly maintained road or way that is:

1-57 (A) improved, designed, or ordinarily used for
1-58 vehicular traffic;

1-59 (B) open to the public; and

1-60 (C) distinguishable from a shoulder, berm, or
1-61 other area not intended for vehicular traffic.

1-62 (e) A person who refuses to allow a game warden or other
1-63 peace officer commissioned by the department to conduct an
1-64 inspection under Subsection (b) or (c) commits an offense that is a

2-1 Class C Parks and Wildlife Code misdemeanor.

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

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