

BILL ANALYSIS

C.S.H.B. 1959
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Culture, Recreation, & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Many Texans consider hunting a basic foundation to their way of life. People spend precious resources and time maintaining and cultivating good hunting habitats. Unfortunately there are people in this state who choose to violate Texas laws which spoil the sport for others. Twenty years ago the Texas Parks and Wildlife Commission adopted rules outlawing hunting deer with dogs in all Texas counties. Dogs can still be used in trailing a wounded deer in all but 24 East Texas Counties. Although these rules exist, East Texas has been continually plagued with incidents of hunting deer with dogs. Due to restricted visibility of East Texas forests it is difficult for our Game Wardens to enforce and charge violators who hunt deer with dogs. Without adequate enforcement tools, outlaws will continue to spoil deer hunting for those who abide by existing law.

HB 1959 codifies Title 31, rule 65.19 of the Texas Administrative Code, hunting deer with dogs, into a new section of the Parks and Wildlife Code. It grants the Parks and Wildlife Commission additional authority to adopt rules as to the type of firearms that can be used during open deer season when a person is in possession of a dog on property other than their own in the 24 East Texas counties. HB 1959 also enhances the penalty for people who continue to hunt deer with dogs. This new penalty is consistent with other violations of the Parks and Wildlife Code.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Parks and Wildlife Commission in SECTION 2 of this bill.

ANALYSIS

SECTION ONE:

Provides legislative intent of HB 1959. This clarifies the intent of the bill is to provide an enforcement tool only. This bill is not intended to prevent a person from engaging in any lawful hunting activity.

SECTION TWO:

Amends Chapter 62, Parks and Wildlife Code by adding new subsection 62.0065 "Hunting Deer with Dogs"

- (a) disallows hunting or pursuing deer with dogs.
- (b) allows the commission to write rules prescribing the type of firearm which can be possessed by a person during open deer season and in the field while in possession of a dog.
- (c) Clarifies who can be prosecuted under this section or rule.
- (d) allows the commission by rule to authorize the use of dogs to trail wounded deer.

SECTION THREE:

Amends Parks and Wildlife Code, Section 62.013, Penalties, by adding new subsection 62.0065 or a rule adopted by the commission under 62.0065.

SECTION FOUR:

Amends Parks and Wildlife Code, Section 62.017, Disposition of Seized Property, by adding violations under new subsection 62.0065, rule adopted under 62.0065 or 61.022. It also clarifies this section does not apply to a dog.

SECTION FIVE:

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Amends Parks and Wildlife Code, Section 12.5015(a),(b) and (c), AUTOMATIC REVOCATION OF HUNTING OR FISHING LICENSE OR PERMIT, by adding violations under 62.0065 or a rule adopted under 62.0065.

SECTION SIX:

Clarifies this act only applies to offenses made after the effective date.

EFFECTIVE DATE

This act takes effect September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

The Committee Substitute puts the filed version into legislative council format. It also clarifies dogs used in hunting deer with dogs will not be seized by the department.