

BILL ANALYSIS

H.B. 2032
By: Hilderbran
Culture, Recreation, & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Last amended in 1995 to add payment of death benefits authorized by this subchapter, the otherwise original limiting verbiage in section 12.201 of the code does not allow the Committee latitude to proactively respond to changing times and issues related to modern conservation law enforcement. Proposed changes would allow the Committee to better support the efforts of wardens and the people of this state in the on-going battle against natural resource crime.

Last amended in 1987, the current wording of section 12.203 of the code limits reward claims to “flagrant” violations related only to taking, possession, or sale of an animal, bird, reptile or fish. This was apparently done out of concern for reports of and subsequent ticketing for, technical or minor violations, and to help protect the fund balance. A successful program history has clearly demonstrated lack of need for either of those limitations and, at the same time, has highlighted gaps resulting from that wording. Additionally, the scope of game warden work has changed significantly over the last two decades, further amplifying the need for a broadening of the violations for which a reward may be considered. Amended wording allows the Committee to consider a reward claim upon conviction for a violation of certain statutes wardens routinely enforce, including those related to shrimping, oystering, water pollution and solid waste dumping, antiquities destruction or damage, arson and criminal mischief (especially in our state parks), criminal trespass, theft, tampering with identification numbers, tampering with a governmental record, boating while intoxicated, intoxication assault, intoxication manslaughter, and payment of sales tax on boats and boat motors.

RULEMAKING AUTHORITY

No additional rule making authority is delegated by this bill to a state officer, agency, department or institution.

ANALYSIS

SECTION 1: Sec. 12.201 Parks and Wildlife Code is amended to add the development, acquisition, and implementation of technological advancements to facilitate the apprehension and prosecution of persons who violate laws of this state intended to protect the state’s natural or cultural resources or the public safety of persons using those natural or cultural resources as purposes for which OGT funds may be expended.

SECTION 2: Section 12.203 Parks and Wildlife Code is amended to allow the Operation Game Thief Committee to consider reward applications from persons furnishing information leading to an arrest and conviction for a violation of a broader range of statutes that reflect the kinds of illegal activity game wardens currently routinely encounter in the field. Statutes added cover water pollution and the dumping of solid waste, destruction of historical sites, arson and criminal mischief, criminal trespass, theft and tampering with ID numbers, tampering with a government document, boating while intoxicated and intoxication assault/intoxication manslaughter, and motor and motorboat tax.

SECTION 3: Section 12.203(d), which defines a “flagrant violation” is repealed.

SECTION 4: (a) Except as provided by Subsection (b) of this section, the conviction of a person, before the effective date of this Act, for a violation of a law included under Section

12.203(a), Parks and Wildlife Code, as amended by this Act, may not be the basis of a claim for reward made under Subchapter C, Chapter 12, Parks and Wildlife Code, as amended by this Act.

(b) The conviction of a person before the effective date of this Act for a flagrant violation of the Parks and Wildlife Code or a regulation or proclamation adopted under that code applicable to the taking, possession, or sale of an animal, bird, reptile, or fish may be the basis of a claim for reward made under Subchapter C, Chapter 12, Parks and Wildlife Code, as amended by this Act.

EFFECTIVE DATE

This Act takes effect September 1, 2005.