

BILL ANALYSIS

H.B. 2037
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Culture, Recreation, & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, a person finally convicted of hunting from a vehicle, hunting at night, hunting with a light, or a person who kills or wounds certain big game animals (deer, pronghorn, and bighorn sheep) and fails to retrieve the animal may have his or her personal property (firearm, knife, spotlight, GPS unit, radio, mobile phone, etc.) seized, if the property was used to commit the offense. This does not include a vehicle, aircraft, or other vessel. But, if a person crosses onto private property and kills a deer and the landowner files criminal charges for hunting without landowner consent, then there is no provision for seizing the hunter's property. Hunting without landowner consent is a state jail felony. It would be common sense that it be permitted that the property used in the offense of the crime be seized and disposed of by the Texas Parks and Wildlife Department.

HB 2037 permits the Parks and Wildlife Department to seize personal property upon final conviction of a person who hunts on private property without landowner consent.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 61, Parks and Wildlife Code, by adding Section 61.0221 which states that if a person is convicted of taking wildlife resources without the consent of the landowner, the court may order that a weapon or other personal property used in the commission of the offense be destroyed or forfeited to the Parks and Wildlife Department.

The department is authorized to use the property in its normal operations, sell or transfer the property, or destroy the property.

The department is required to deposit any money made from the sale of the forfeited property in the game, fish, and water safety account.

This section excludes a vehicle, aircraft, or vessel from property that may be seized.

SECTION 2. The change in law applies only to a conviction entered after the effective date of this Act.

SECTION 3. Effective Date

EFFECTIVE DATE

September 1, 2005