

BILL ANALYSIS

C.S.H.B. 2555
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Culture, Recreation, & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Texas Parks and Wildlife is responsible for protecting game animals in the state of Texas from waste and depletion. Parks and Wildlife sets seasons for hunting and approves legal means of taking game animals. On many occasions a wild animal may be mortally wounded by a non-hunting incident or may contract a deadly illness. If a person finds the mortally wounded or sick animal, they are prevented from killing the animal because it may be out of season or they have no weapon that is recognized by Texas Parks and Wildlife as legal. When this situation arises, a person may break the law in order to dispatch the animal in a humane manner. The purpose of this legislation is to provide a legal defense to prosecution for a person that would need to show mercy for the animal in this condition.

RULEMAKING AUTHORITY

Rulemaking authority is expressly delegated to the Texas Parks and Wildlife Department in Section 1 [Section 61.060(c), Parks and Wildlife Code] of this bill.

ANALYSIS

SECTION 1. Amends Chapter 61, Parks and Wildlife Code, by adding Section 61.060. Subsection (a) defines "dispatch" to mean killing by a humane method. Subsection (b) states that if a person is prosecuted under rules adopted by proclamation by the Parks and Wildlife Commission for killing a game animal or game bird, they may offer as a defense that the animal or bird was mortally wounded or diseased to the extent that the animal posed a risk to itself or others. Subsection (c) allows the Commission to adopt rules for disposing of animals dispatched under this section.

EFFECTIVE DATE

This Act takes effect immediately if it receives a two-thirds vote from both houses or on September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute is a Legislative Council version of the bill as filed. It cleans up the format and language to conform to the rest of the Parks and Wildlife Code. The substitute also adds definitions for "Game animal" and "Game bird" that are consistent with the rest of the Code since no definition of either "Game animal" or "Game bird" is found in Chapter 61, Parks and Wildlife Code. The new substitute removes reference to a violation of "this chapter" on page 1, line 14 so as not to create a defense to prosecution for hunting without landowner consent which is contained in Chapter 61.