

BILL ANALYSIS

H.B. 3309
By: Phillips
Culture, Recreation, & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, a person may hunt, under certain circumstances, while on a license suspension (court ordered criminal judgment, court ordered for non-payment of child support, failure to pay assessed civil restitution upon conviction) because certain activities do not require a license. Under Parks and Wildlife Code, §42.002, a hunting license is not required for a landowner or landowner's authorized agent to hunt feral hogs causing depredation. Under Health and Safety Code, Chapter 822, a hunting license is not required to kill a coyote that is attacking, about to attack, or has recently attacked livestock, domestic animals, or fowls. Parks and Wildlife Code, Chapter 71, does not prohibit a landowner or his agent from taking a fur-bearing animal causing depredation on the person's land. It has been interpreted that no hunting license or trapper's license is required for a nuisance fur-bearing animal taken under this chapter. Under current law, a person cannot be prevented from killing feral hogs, coyotes or nuisance fur-bearing animals after having his or her license privileges revoked under Chapter 12 of the Parks and Wildlife Code.

H.B. 3309 would prohibit a person from hunting any animal or bird if the person's license privileges have been suspended or revoked, or if by court order the department is prohibited from selling the person a license.

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 Section 12.505, Texas Parks and Wildlife Code, by amending subsection (a) to state that a person may not engage in an activity requiring a permit or license during the time for which such license or permit has been suspended, refused, or revoked. Adds subsection (b) which states that notwithstanding any other law, a person may not hunt any animal, including a bird, during a time in which the person's hunting license is suspended or revoked or the department, under a court order, is prohibited from issuing the person a license under Chapter 42 or 50. Also under subsection (b) a person may not fish in the public water of this state during a time in which the person's fishing license is suspended or revoked or the department, under a court order, is prohibited from issuing the person a license under Chapter 46 or 50. Subsection (c) states that an offense under this section is a Class A Parks and Wildlife misdemeanor.

SECTION 2. This Act would take effect on September 1, 2005.

EFFECTIVE DATE

September 1, 2005

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