

By: Hilderbran, Cook of Navarro

H.B. No. 505

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the discharge of a firearm across a property line;  
3 providing a penalty.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter A, Chapter 62, Parks and Wildlife  
6 Code, is amended by adding Section 62.0121 to read as follows:

7 Sec. 62.0121. DISCHARGE OF FIREARM ACROSS PROPERTY LINE.

8 (a) In this section, "firearm" has the meaning assigned by Section  
9 62.014(a).

10 (b) A person commits an offense if:

11 (1) the person, while hunting or engaging in  
12 recreational shooting, knowingly discharges a firearm; and

13 (2) the projectile from the firearm travels across a  
14 property line.

15 (c) It is a defense to prosecution under this section that  
16 the person:

17 (1) owns the property on both sides of each property  
18 line crossed by the projectile; or

19 (2) has a written agreement with any person who owns  
20 property on either side of each property line crossed by the  
21 projectile that allows the person to discharge a firearm on, over,  
22 or across the property or property line.

23 (d) The written agreement required under Subsection (c)(2)  
24 must:

1           (1) contain the name of the person allowed to hunt or  
2 engage in recreational shooting in a manner described by Subsection  
3 (b);

4           (2) identify the property on either side of the  
5 property line crossed by the projectile; and

6           (3) be signed by any person who owns the property on  
7 either side of the line crossed by the projectile.

8           (e) An offense under this section is a Class C Parks and  
9 Wildlife Code misdemeanor.

10           (f) If conduct constituting an offense under this section  
11 constitutes an offense under a section of the Penal Code, the person  
12 may be prosecuted under either section or both sections.

13           SECTION 2. This Act takes effect September 1, 2005.