

AN ACT

relating to the hunting of deer with dogs and the taking of wildlife resources without the consent of the landowner; providing penalties.

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

SECTION 1. It is the intent of the legislature by passage of this Act to provide an enforcement tool to deter the unlawful hunting of deer with dogs in certain East Texas counties where the activity has historically occurred. This Act is not intended to prevent a person from engaging in lawful hunting activities, including hunting waterfowl, feral hogs, white-tailed deer, and red or gray squirrels, or trailing a wounded deer in counties where that is lawful.

SECTION 2. Subchapter A, Chapter 62, Parks and Wildlife Code, is amended by adding Section 62.0065 to read as follows:

Sec. 62.0065. HUNTING DEER WITH DOGS. (a) Except as provided by Subsection (d), a person may not recklessly use a dog to hunt or pursue a deer in this state.

(b) Subject to Subsection (a), the commission by rule may prescribe the type of firearm that may be possessed during an open deer season by a person who is in actual or constructive possession of a dog while in the field on another person's land or property in Angelina, Hardin, Harris, Harrison, Houston, Jasper, Jefferson, Liberty, Montgomery, Nacogdoches, Newton, Orange, Panola, Polk,

1 Rusk, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler,
2 or Walker County.

3 (c) It is not a defense to prosecution under Subsection (a)
4 or to prosecution for violation of a rule adopted under Subsection
5 (b) that the defendant was not the owner or in immediate possession
6 of the dog or that the offense or violation was committed without
7 the effective consent of the dog's owner.

8 (d) The commission by rule may authorize the use of dogs to
9 trail wounded deer.

10 SECTION 3. Sections 62.013(b) and (c), Parks and Wildlife
11 Code, are amended to read as follows:

12 (b) A person who violates Section 62.003, 62.004, 62.005,
13 62.0065, or 62.011(c), or a rule adopted under Section 62.0065 ~~[of~~
14 ~~this code]~~ commits an offense that is a Class A Parks and Wildlife
15 Code misdemeanor, unless it is shown at the trial of the defendant
16 for a violation of that section or rule, as appropriate, that the
17 defendant has been convicted one or more times before the trial date
18 of a violation of that section or rule, as appropriate, in which
19 case the offense is a Parks and Wildlife Code state jail felony.

20 (c) In addition to the punishments provided in Subsections
21 (a) and (b), a person who violates Section 62.003, 62.004, 62.005,
22 62.0065, or 62.011(c), or a rule adopted under Section 62.0065 ~~[of~~
23 ~~this code]~~ is punishable by the revocation or suspension under
24 Section 12.5015 of hunting and fishing licenses and permits.

25 SECTION 4. Sections 62.017(a) and (c), Parks and Wildlife
26 Code, are amended to read as follows:

27 (a) If a person is finally convicted of an offense under

1 Section 61.022, 62.003, 62.004, 62.005, 62.0065, or 62.011(c), or
2 violation of a rule adopted under Section 62.0065, the court
3 entering judgment of conviction may order any weapon or other
4 personal property used in the commission of the offense or
5 violation destroyed or forfeited to the department.

6 (c) This section does not apply to a vehicle, aircraft, ~~[or]~~
7 vessel, or dog.

8 SECTION 5. Sections 12.5015(a), (b), and (c), Parks and
9 Wildlife Code, are amended to read as follows:

10 (a) Except as provided by this section, any hunting or
11 fishing license or permit issued by the department to a person is
12 automatically revoked on final conviction of the person of an
13 offense under Section 61.022, 62.003, 62.004, 62.005, 62.0065,
14 62.011, 66.004(a), or 66.004(c) or a violation of a rule adopted
15 under Section 62.0065.

16 (b) If the holder of a lifetime license is finally convicted
17 of an offense under Section 61.022, 62.003, 62.004, 62.005,
18 62.0065, 62.011(c), 66.004(a), or 66.004(c), or a violation of a
19 rule adopted under Section 62.0065, the person's lifetime license
20 is automatically suspended. The suspension is for a period set by
21 the court of not less than one year or more than five years. If the
22 court does not set a period, the suspension is for one year from the
23 date the conviction becomes final.

24 (c) On conviction of a person for an offense under Section
25 61.022, 62.003, 62.004, 62.005, 62.0065, 62.011(c), 66.004(a), or
26 66.004(c), or a violation of a rule adopted under Section 62.0065,
27 the court shall set a period of not less than one year and not more

1 than five years during which the department may not issue that
2 person a license, tag, or stamp under Chapter 42, 46, or 50. If the
3 court does not set a period, the department may not issue that
4 person a license, tag, or stamp under Chapter 42, 46, or 50 before
5 the first anniversary of the date the conviction becomes final.

6 SECTION 6. (a) The change in law made by this Act applies
7 only to an offense committed on or after the effective date of this
8 Act. For purposes of this section, an offense is committed before
9 the effective date of this Act if any element of the offense occurs
10 before that date.

11 (b) An offense committed before the effective date of this
12 Act is governed by the law in effect when the offense was committed,
13 and that law is continued in effect for that purpose.

14 SECTION 7. This Act takes effect September 1, 2005.

H.B. No. 1959

President of the Senate

Speaker of the House

I certify that H.B. No. 1959 was passed by the House on April 22, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1959 on May 27, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1959 was passed by the Senate, with amendments, on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor