

By: McReynolds

H.B. No. 1959

A BILL TO BE ENTITLED

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

(b) 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, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler, or Walker County.

(c) It is not a defense to prosecution that the defendant

1 was not the owner or in immediate possession of the dog or that the
2 offense was committed without the effective consent of the dog's
3 owner.

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

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

8 (b) A person who violates Section 62.003, 62.004, 62.005,
9 62.0065 or a rule adopted under 62.0065, or 62.011(c) of this code
10 commits an offense that is a Class A Parks and Wildlife Code
11 misdemeanor, unless it is shown at the trial of the defendant for a
12 violation of that section that the defendant has been convicted one
13 or more times before the trial date of a violation of that section,
14 in which case the offense is a Parks and Wildlife Code state jail
15 felony.

16 (c) In addition to the punishments provided in Subsections
17 (a) and (b), a person who violates Section 62.003, 62.004, 62.005,
18 62.0065 or a rule adopted under 62.0065, or 62.011(c) of this code
19 is punishable by the revocation or suspension under Section 12.5015
20 of hunting and fishing licenses and permits.

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

23 (a) If a person is finally convicted of an offense under
24 Section 61.022, 62.003, 62.004, 62.005, 62.0065 or a rule adopted
25 under 62.0065, or 62.011(c), the court entering judgment of
26 conviction may order any weapon or other personal property used in
27 the commission of the offense destroyed or forfeited to the

1 department.

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

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

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

11 (b) If the holder of a lifetime license is finally convicted
12 of an offense under Section 61.022, 62.003, 62.004, 62.005, 62.0065
13 or a rule adopted under 62.0065, 62.011(c), 66.004(a), or
14 66.004(c), the person's lifetime license is automatically
15 suspended. The suspension is for a period set by the court of not
16 less than one year or more than five years. If the court does not
17 set a period, the suspension is for one year from the date the
18 conviction becomes final.

19 (c) On conviction of a person for an offense under Section
20 61.022, 62.003, 62.004, 62.005, 62.0065 or a rule adopted under
21 62.0065, 62.011(c), 66.004(a), or 66.004(c), the court shall set a
22 period of not less than one year and not more than five years during
23 which the department may not issue that person a license, tag, or
24 stamp under Chapter 42, 46, or 50. If the court does not set a
25 period, the department may not issue that person a license, tag, or
26 stamp under Chapter 42, 46, or 50 before the first anniversary of
27 the date the conviction becomes final.

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

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

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