

1-1 By: McReynolds (Senate Sponsor - Armbrister) H.B. No. 1959  
1-2 (In the Senate - Received from the House April 25, 2005;  
1-3 April 26, 2005, read first time and referred to Committee on  
1-4 Natural Resources; May 17, 2005, reported adversely, with  
1-5 favorable Committee Substitute by the following vote: Yeas 10,  
1-6 Nays 0; May 17, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1959 By: Armbrister

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the hunting of deer with dogs and the taking of wildlife  
1-11 resources without the consent of the landowner; providing  
1-12 penalties.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. It is the intent of the legislature by passage of  
1-15 this Act to provide an enforcement tool to deter the unlawful  
1-16 hunting of deer with dogs in certain East Texas counties where the  
1-17 activity has historically occurred. This Act is not intended to  
1-18 prevent a person from engaging in lawful hunting activities,  
1-19 including hunting waterfowl, feral hogs, white-tailed deer, and red  
1-20 or gray squirrels, or trailing a wounded deer in counties where that  
1-21 is lawful.

1-22 SECTION 2. Subchapter A, Chapter 62, Parks and Wildlife  
1-23 Code, is amended by adding Section 62.0065 to read as follows:

1-24 Sec. 62.0065. HUNTING DEER WITH DOGS. (a) Except as  
1-25 provided by Subsection (d), a person may not recklessly use a dog to  
1-26 hunt or pursue a deer in this state.

1-27 (b) Subject to Subsection (a), the commission by rule may  
1-28 prescribe the type of firearm that may be possessed during an open  
1-29 deer season by a person who is in actual or constructive possession  
1-30 of a dog while in the field on another person's land or property in  
1-31 Angelina, Hardin, Harris, Harrison, Houston, Jasper, Jefferson,  
1-32 Liberty, Montgomery, Nacogdoches, Newton, Orange, Panola, Polk,  
1-33 Rusk, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler,  
1-34 or Walker County.

1-35 (c) It is not a defense to prosecution under Subsection (a)  
1-36 or to prosecution for violation of a rule adopted under Subsection  
1-37 (b) that the defendant was not the owner or in immediate possession  
1-38 of the dog or that the offense or violation was committed without  
1-39 the effective consent of the dog's owner.

1-40 (d) The commission by rule may authorize the use of dogs to  
1-41 trail wounded deer.

1-42 SECTION 3. Sections 62.013(b) and (c), Parks and Wildlife  
1-43 Code, are amended to read as follows:

1-44 (b) A person who violates Section 62.003, 62.004, 62.005,  
1-45 62.0065, or 62.011(c), or a rule adopted under Section 62.0065 ~~[of~~  
1-46 ~~this code]~~ commits an offense that is a Class A Parks and Wildlife  
1-47 Code misdemeanor, unless it is shown at the trial of the defendant  
1-48 for a violation of that section or rule, as appropriate, that the  
1-49 defendant has been convicted one or more times before the trial date  
1-50 of a violation of that section or rule, as appropriate, in which  
1-51 case the offense is a Parks and Wildlife Code state jail felony.

1-52 (c) In addition to the punishments provided in Subsections  
1-53 (a) and (b), a person who violates Section 62.003, 62.004, 62.005,  
1-54 62.0065, or 62.011(c), or a rule adopted under Section 62.0065 ~~[of~~  
1-55 ~~this code]~~ is punishable by the revocation or suspension under  
1-56 Section 12.5015 of hunting and fishing licenses and permits.

1-57 SECTION 4. Sections 62.017(a) and (c), Parks and Wildlife  
1-58 Code, are amended to read as follows:

1-59 (a) If a person is finally convicted of an offense under  
1-60 Section 61.022, 62.003, 62.004, 62.005, 62.0065, or 62.011(c), or  
1-61 violation of a rule adopted under Section 62.0065, the court  
1-62 entering judgment of conviction may order any weapon or other  
1-63 personal property used in the commission of the offense or

violation destroyed or forfeited to the department.

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

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

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

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

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

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

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

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

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