

By: Hilderbran

H.B. No. 2026

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the recovery of certain enforcement-related costs, the  
3 operation of certain accounts in the Parks and Wildlife Department,  
4 the penalties for certain criminal offenses involving certain  
5 animals, and the taking and possession of certain wildlife or eggs,  
6 including requirements related to taxidermy and tanning and to  
7 harmful aquatic plants; imposing penalties.

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

9 SECTION 1. Section 1.101, Parks and Wildlife Code, is  
10 amended by adding Subdivision (5) to read as follows:

11 (5) "Take," except as otherwise provided by this code,  
12 means collect, hook, hunt, net, shoot, or snare, by any means or  
13 device, and includes an attempt to take or to pursue in order to  
14 take.

15 SECTION 2. Section 12.013, Parks and Wildlife Code, is  
16 amended to read as follows:

17 Sec. 12.013. POWER TO TAKE WILDLIFE. An employee of the  
18 department acting within the scope of the employee's authority may  
19 possess, take, transport, release, and manage any of the wildlife  
20 and fish in this state for investigation, propagation,  
21 distribution, education, disease diagnosis or prevention, or  
22 scientific purposes.

23 SECTION 3. Section 12.110, Parks and Wildlife Code, is  
24 amended to read as follows:

1           Sec. 12.110. DISPOSITION OF CONFISCATED GAME. (a) Except  
2 as provided by Subsection (d), the ~~[The]~~ department shall donate,  
3 whenever donation ~~[same]~~ is reasonably practicable, any wild game  
4 animal, bird, fowl, ~~[or]~~ game fish, or exotic animal that ~~[which]~~ is  
5 unlawfully killed, taken, shipped, held in storage, possessed, or  
6 offered for sale ~~[found]~~ in a public eating place to a charitable  
7 institution, hospital, or person or persons.

8           (b) The expense of any storage, care, feeding, cold storage,  
9 or processing that may be necessary for an unlawfully possessed  
10 game bird, fowl, animal, ~~[or]~~ game fish, or exotic animal shall be  
11 assessed against the violator on the violator's ~~[his]~~ conviction.

12           (c) The department and an enforcement officer of the  
13 department who acts under this section are not liable in any civil  
14 action for the seizure, sale, or donation of a game bird, other  
15 fowl, animal, ~~[or]~~ game fish, or exotic animal.

16           (d) The department may sell confiscated live game described  
17 by Subsection (a) to the highest of three bidders. At the time of a  
18 sale under this subsection, the department shall provide the buyer  
19 a receipt for all game sold to the buyer. The department shall  
20 deposit the proceeds of the sale in the state treasury to the credit  
21 of suspense account 900 pending the outcome of any action against  
22 the person charged with an unlawful action described by Subsection  
23 (a). If that person is found guilty, pleads guilty or nolo  
24 contendere, or is placed on deferred adjudication, the department  
25 shall deposit the proceeds of the sale into the game, fish, and  
26 water safety account. If the person is found not guilty, the  
27 department shall pay the proceeds of the sale to the person.

1       (e) This section does not apply to the lawful possession or  
2 sale of an exotic animal.

3       (f) In this section, "exotic animal" has the meaning  
4 assigned by Section 62.015.

5       SECTION 4. Subchapter D, Chapter 12, Parks and Wildlife  
6 Code, is amended by adding Section 12.308 to read as follows:

7       Sec. 12.308. CERTAIN COSTS RECOVERABLE. (a) The actual  
8 cost of investigation, reasonable attorney's fees, and reasonable  
9 expert witness fees incurred by the department in a civil suit under  
10 this subchapter may be recovered in addition to damages for the  
11 value of any fish, shellfish, reptile, amphibian, bird, or animal  
12 unlawfully killed, caught, taken, possessed, or injured.

13       (b) Any amounts recovered under this section shall be  
14 credited to the same operating accounts from which the expenditures  
15 occurred.

16       SECTION 5. Section 12.409, Parks and Wildlife Code, is  
17 amended to read as follows:

18       Sec. 12.409. SEPARATE OFFENSES. Each fish, bird, animal,  
19 reptile, [~~or~~] amphibian, or egg or part of a fish, bird, animal,  
20 reptile, [~~or~~] amphibian, or egg taken, possessed, killed, left to  
21 die, imported, exported, offered for sale, sold, purchased,  
22 attempted to be purchased, or retained in violation of any  
23 provision of this code or a proclamation or regulation adopted  
24 under this code constitutes a separate offense.

25       SECTION 6. Section 42.002(b), Parks and Wildlife Code, is  
26 amended to read as follows:

27       (b) A resident possessing a valid [~~resident~~ alligator

1 ~~hunter's license,~~] resident trapper's license[~~7,~~] or fur-bearing  
2 animal propagation permit is not required to have a license issued  
3 under this section to take or possess the species covered by the  
4 license or permit.

5 SECTION 7. Section 42.005(c), Parks and Wildlife Code, is  
6 amended to read as follows:

7 (c) A nonresident possessing a valid [~~nonresident alligator~~  
8 ~~hunter's license or~~] nonresident trapper's license is not required  
9 to have a license issued under this section to take or possess the  
10 species governed by the license.

11 SECTION 8. The heading to Section 43.073, Parks and  
12 Wildlife Code, is amended to read as follows:

13 Sec. 43.073. [~~SIZE OF~~] AREA[~~+~~] LIMITATIONS AND[~~+~~] MARKINGS.

14 SECTION 9. Sections 43.073(a) and (c), Parks and Wildlife  
15 Code, are amended to read as follows:

16 (a) A private bird hunting area must [~~may~~] consist of [~~not~~  
17 ~~more than 8,000~~] contiguous acreage owned by an individual,  
18 partnership, firm, or corporation [~~acres~~].

19 (c) Signs must [~~shall~~] be placed at each entrance to a  
20 private bird hunting area [~~and all corners~~] to identify clearly the  
21 boundaries of each licensed area.

22 SECTION 10. Section 44.001, Parks and Wildlife Code, is  
23 amended by adding Subdivision (3) to read as follows:

24 (3) "Game animal" means a pronghorn antelope, a  
25 collared peccary or javelina, or a red or gray squirrel.

26 SECTION 11. Section 44.002, Parks and Wildlife Code, is  
27 amended to read as follows:

1           Sec. 44.002. LICENSE REQUIREMENT. No person may sell,  
2 place in captivity, or engage in the business of propagating any  
3 game animal of this state unless the person [~~he~~] has obtained a  
4 license issued under this chapter from the department.

5           SECTION 12. Section 44.005(b), Parks and Wildlife Code, is  
6 amended to read as follows:

7           (b) The game breeder shall place a suitable permanent  
8 [~~metal~~] tag bearing the game breeder's [~~his~~] serial number on the  
9 ear of each pronghorn antelope or collared peccary or javelina held  
10 in captivity [~~or sold~~] by the game breeder.

11           SECTION 13. Section 44.006, Parks and Wildlife Code, is  
12 amended to read as follows:

13           Sec. 44.006. LICENSE PRIVILEGES. The holder of a valid game  
14 breeder's license may:

15           (1) engage in the business of game breeding in the  
16 immediate locality for which the license was issued; or

17           (2) sell or hold in captivity for the purpose of  
18 propagation or sale a game animal [~~antelope, collared peccary, and~~  
19 ~~wild squirrels~~].

20           SECTION 14. Chapter 45, Parks and Wildlife Code, is amended  
21 by adding Section 45.0001 to read as follows:

22           Sec. 45.0001. DEFINITIONS. In this chapter:

23           (1) "Game bird" has the meaning assigned by Section  
24 64.001 and includes "migratory game birds."

25           (2) "Migratory game bird" has the meaning assigned by  
26 Section 64.021.

27           SECTION 15. Section 45.001, Parks and Wildlife Code, is

1 amended to read as follows:

2           Sec. 45.001. LICENSE REQUIRED. No person may possess game  
3 birds in captivity for the purpose of propagation or sale or sell  
4 game bird eggs without first acquiring the proper license  
5 authorized to be issued under this chapter.

6           SECTION 16. Section 45.003, Parks and Wildlife Code, is  
7 amended by adding Subsection (c) to read as follows:

8           (c) A class 1 or class 2 commercial game bird breeder's  
9 license is valid for selling game bird eggs in this state,  
10 regardless of the number of eggs sold.

11           SECTION 17. The heading to Section 45.005, Parks and  
12 Wildlife Code, is amended to read as follows:

13           Sec. 45.005. RECORDS OF LIVE BIRD AND EGG SALES.

14           SECTION 18. Section 45.005(a), Parks and Wildlife Code, is  
15 amended to read as follows:

16           (a) No holder of a commercial game bird breeder's license  
17 may sell a live game bird or game bird egg without issuing a written  
18 document showing the name and serial number of the game bird  
19 breeder, the name and address of the purchaser, and the kind or  
20 species [~~description~~] and number of game birds or game bird eggs  
21 sold. The document shall be delivered to the purchaser.

22           SECTION 19. Section 45.0061, Parks and Wildlife Code, is  
23 amended to read as follows:

24           Sec. 45.0061. SOURCE OF GAME BIRDS. A person who is not  
25 required to possess a commercial game bird breeder's license and  
26 who is in possession of a live game bird, game bird egg, or part of a  
27 dead game bird shall, on the request of a game warden commissioned

1 by the department, furnish to the warden a receipt showing the name  
2 and street address of the person and the name and street address of  
3 the source from which any live game bird, game bird egg, or part of a  
4 dead game bird in the possession of the person was derived. The  
5 receipt must also show the date of sale and the kind or species and  
6 number of live game birds, game bird eggs, or parts of dead game  
7 birds acquired. The failure or refusal to comply with this section  
8 is a violation of this chapter.

9 SECTION 20. Section 45.007(b), Parks and Wildlife Code, is  
10 amended to read as follows:

11 (b) No person may purchase a live game bird or game bird egg  
12 except from a holder of a game bird breeder's license; however,  
13 this subsection does not prohibit the purchase of live game birds or  
14 game bird eggs [~~delivered by a common carrier~~] from a lawful source  
15 outside the state.

16 SECTION 21. Sections 45.008(a) and (b), Parks and Wildlife  
17 Code, are amended to read as follows:

18 (a) Each commercial game bird breeder shall maintain  
19 records showing the numbers of game birds and game bird eggs  
20 acquired, propagated, sold, and disposed of in any other manner.  
21 The records must [~~shall~~] be on forms provided by the department and  
22 must [~~shall~~] contain any other information required by the  
23 department.

24 (b) During August of each year or another month set by the  
25 commission, but before August 31 or another date established by the  
26 commission, a commercial game bird breeder shall send to the  
27 department a report showing the total number of game birds in the

1 possession of the breeder during the reporting period and  
2 accounting for the acquisition and disposition of each game bird or  
3 game bird egg purchased or sold. The reporting period is from  
4 August 1 of the preceding year through July 31 of the current year  
5 or another yearly period established by the commission.

6 SECTION 22. Subchapter A, Chapter 62, Parks and Wildlife  
7 Code, is amended by adding Section 62.002 to read as follows:

8 Sec. 62.002. COMPUTER-ASSISTED REMOTE HUNTING. (a) In  
9 this section:

10 (1) "Computer-assisted remote hunting" means the use  
11 of a computer or any other device, equipment, or software, to  
12 remotely control the aiming and discharge of archery equipment, a  
13 crossbow, or a firearm to hunt an animal, including a bird.

14 (2) "Firearm" and "archery equipment" have the  
15 meanings assigned by Section 62.014.

16 (b) A person may not engage in computer-assisted remote  
17 hunting or provide or operate facilities for computer-assisted  
18 remote hunting if the animal being hunted is located in this state.

19 (c) For purposes of this section, facilities for  
20 computer-assisted remote hunting include real property and  
21 improvements on the property associated with hunting, including  
22 hunting blinds, offices, and rooms equipped to facilitate  
23 computer-assisted remote hunting.

24 (d) A person who violates this section commits an offense  
25 that is a Class B Parks and Wildlife Code misdemeanor, unless it is  
26 shown at the trial of the defendant that the defendant has been  
27 convicted one or more times before the trial date of a violation of

1 this section, in which case the offense is a Class A Parks and  
2 Wildlife Code misdemeanor.

3 (e) It is an exception to the application of this section  
4 that a person provides only:

5 (1) general-purpose equipment, including a computer,  
6 camera, fencing, and building materials;

7 (2) general-purpose computer software including an  
8 operating system and communications programs; or

9 (3) general telecommunications hardware or networking  
10 services for computers, including adapters, modems, servers,  
11 routers, and other facilities associated with Internet access.

12 SECTION 23. Section 62.003(a), Parks and Wildlife Code, is  
13 amended to read as follows:

14 (a) Except as provided in Subsection (b) [~~of this section~~],  
15 no person may hunt any wild bird or wild animal, other than an  
16 alligator, frog, or turtle, from any type of aircraft or airborne  
17 device, motor vehicle, powerboat, or sailboat, or from any other  
18 floating device [~~any wild bird or wild animal~~].

19 SECTION 24. Sections 62.023(a) and (c), Parks and Wildlife  
20 Code, are amended to read as follows:

21 (a) If the owner of a lawfully taken game animal or game  
22 bird, including the head [heads] or hide of a lawfully taken game  
23 animal or game bird [hides] that has [have] been mounted or tanned,  
24 has not claimed the mounted game animal, game bird, or head or the  
25 tanned hide [them] within 90 days after notification by a  
26 taxidermist or tanner, the taxidermist or tanner may sell the  
27 mounted game animal, game bird other than a migratory game bird, or

1 head or tanned hide [~~head or hides~~] for the amount due for labor  
2 performed.

3 (c) A taxidermist or tanner selling a mounted game animal,  
4 game bird, or head or tanned hide [~~heads or hides~~] under this  
5 section shall maintain, until the second anniversary of the  
6 completion of the taxidermy or tanning, documentation of the  
7 identity of the person who left the game animal, game bird, head, or  
8 hide for taxidermy or tanning. Documentation under this section  
9 may include a hunting tag, wildlife resource document, or cold  
10 storage record [~~report immediately the sale to the department. The~~  
11 ~~report must include the name of the person purchasing the head or~~  
12 ~~hides and a copy of the transportation affidavit regarding the~~  
13 ~~manner in which the head or hides were obtained~~].

14 SECTION 25. Section 62.068, Parks and Wildlife Code, is  
15 amended to read as follows:

16 Sec. 62.068. ARREST. A peace officer, game warden  
17 [~~management officer~~], or commissioned state park employee may  
18 arrest without warrant a person found committing a violation of  
19 this subchapter.

20 SECTION 26. Section 65.006, Parks and Wildlife Code, is  
21 amended to read as follows:

22 Sec. 65.006. PERMIT [~~LICENSE~~] REQUIRED. [~~(a) No person may~~  
23 ~~take, attempt to take, or possess an alligator in this state unless~~  
24 ~~the person has acquired and possesses an alligator hunter's~~  
25 ~~license.~~

26 [~~(b)~~] No person for any purpose may possess, purchase, or  
27 possess after purchase an alligator, an alligator hide, an

1 alligator egg, or any part of an alligator taken in this state  
2 unless:

3 (1) the person has acquired and possesses a permit  
4 issued by the department for that purpose; or

5 (2) a regulation of the commission otherwise allows  
6 the possession or purchase without a permit.

7 SECTION 27. Subchapter A, Chapter 66, Parks and Wildlife  
8 Code, is amended by adding Section 66.0071 to read as follows:

9 Sec. 66.0071. REMOVAL OF HARMFUL AQUATIC PLANTS. On  
10 leaving any public or private body of water in this state, a person  
11 shall immediately remove and lawfully dispose of any harmful or  
12 potentially harmful aquatic plant included on the list published  
13 under Section 66.007(b) that is clinging or attached to the  
14 person's:

15 (1) vessel or watercraft; or

16 (2) trailer, motor vehicle, or other mobile device  
17 used to transport or launch a vessel or watercraft.

18 SECTION 28. Section 71.001(1), Parks and Wildlife Code, is  
19 amended to read as follows:

20 (1) "Fur-bearing animal" means wild beaver, otter,  
21 mink, ring-tailed cat, badger, skunk, raccoon, muskrat, opossum,  
22 fox, or nutria [~~, or civet cat~~].

23 SECTION 29. Section 102.021, Government Code, is amended to  
24 read as follows:

25 Sec. 102.021. COURT COSTS ON CONVICTION. A person  
26 convicted of an offense shall pay, in addition to all other costs:

27 (1) court costs on conviction of a felony (Sec.

1 133.102, Local Government Code) . . . \$133;

2 (2) court costs on conviction of a Class A or Class B  
3 misdemeanor (Sec. 133.102, Local Government Code) . . . \$83;

4 (3) court costs on conviction of a nonjailable  
5 misdemeanor offense, including a criminal violation of a municipal  
6 ordinance, other than a conviction of an offense relating to a  
7 pedestrian or the parking of a motor vehicle (Sec. 133.102, Local  
8 Government Code) . . . \$40;

9 (4) court costs on certain convictions in statutory  
10 county courts (Sec. 51.702, Government Code) . . . \$15;

11 (5) court costs on certain convictions in certain  
12 county courts (Sec. 51.703, Government Code) . . . \$15;

13 (6) a time payment fee if convicted of a felony or  
14 misdemeanor for paying any part of a fine, court costs, or  
15 restitution on or after the 31st day after the date on which a  
16 judgment is entered assessing the fine, court costs, or restitution  
17 (Sec. 133.103, Local Government Code) . . . \$25;

18 (7) a fee for services of prosecutor (Art. 102.008,  
19 Code of Criminal Procedure) . . . \$25;

20 (8) fees for services of peace officer:

21 (A) issuing a written notice to appear in court  
22 for certain violations (Art. 102.011, Code of Criminal  
23 Procedure) . . . \$5;

24 (B) executing or processing an issued arrest  
25 warrant or capias (Art. 102.011, Code of Criminal  
26 Procedure) . . . \$50;

27 (C) summoning a witness (Art. 102.011, Code of

- 1 Criminal Procedure) . . . \$5;
- 2 (D) serving a writ not otherwise listed (Art.  
3 102.011, Code of Criminal Procedure) . . . \$35;
- 4 (E) taking and approving a bond and, if  
5 necessary, returning the bond to courthouse (Art. 102.011, Code of  
6 Criminal Procedure) . . . \$10;
- 7 (F) commitment or release (Art. 102.011, Code of  
8 Criminal Procedure) . . . \$5;
- 9 (G) summoning a jury (Art. 102.011, Code of  
10 Criminal Procedure) . . . \$5;
- 11 (H) attendance of a prisoner in habeas corpus  
12 case if prisoner has been remanded to custody or held to bail (Art.  
13 102.011, Code of Criminal Procedure) . . . \$8 each day;
- 14 (I) mileage for certain services performed (Art.  
15 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and
- 16 (J) services of a sheriff or constable who serves  
17 process and attends examining trial in certain cases (Art. 102.011,  
18 Code of Criminal Procedure) . . . not to exceed \$5;
- 19 (9) services of a peace officer in conveying a witness  
20 outside the county (Art. 102.011, Code of Criminal  
21 Procedure) . . . \$10 per day or part of a day, plus actual  
22 necessary travel expenses;
- 23 (10) overtime of peace officer for time spent  
24 testifying in the trial or traveling to or from testifying in the  
25 trial (Art. 102.011, Code of Criminal Procedure) . . . actual  
26 cost;
- 27 (11) court costs on an offense relating to rules of the

1 road, when offense occurs within a school crossing zone (Art.  
2 102.014, Code of Criminal Procedure) . . . \$25;

3 (12) court costs on an offense of passing a school bus  
4 (Art. 102.014, Code of Criminal Procedure) . . . \$25;

5 (13) court costs on an offense of truancy or  
6 contributing to truancy (Art. 102.014, Code of Criminal  
7 Procedure) . . . \$20;

8 (14) cost for visual recording of intoxication arrest  
9 before conviction (Art. 102.018, Code of Criminal  
10 Procedure) . . . \$15;

11 (15) cost of certain evaluations (Art. 102.018, Code  
12 of Criminal Procedure) . . . actual cost;

13 (16) additional costs attendant to certain  
14 intoxication convictions under Chapter 49, Penal Code, for  
15 emergency medical services, trauma facilities, and trauma care  
16 systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;

17 (17) cost for DNA testing for certain felonies (Art.  
18 102.020, Code of Criminal Procedure) . . . \$250;

19 (18) court cost on an offense of public lewdness or  
20 indecent exposure (Art. 102.020, Code of Criminal  
21 Procedure) . . . \$50;

22 (19) court cost on conviction of a misdemeanor under  
23 Subtitle C, Title 7, Transportation Code (Sec. 542.403,  
24 Transportation Code) . . . \$3;

25 (20) cost for impoundment of vehicle (Sec. 601.263,  
26 Transportation Code) . . . \$15 per day; ~~and~~

27 (21) a civil and criminal enforcement cost on

1 conviction of an offense of, or related to, the nonpayment of a toll  
2 in certain counties (Sec. 284.2031, Transportation Code) . . . \$1;  
3 and

4 (22) the cost of any storage, care, feeding, cold  
5 storage, or processing necessary for an unlawfully taken, shipped,  
6 or possessed game bird, fowl, animal, game fish, or exotic animal  
7 (Sec. 12.110, Parks and Wildlife Code) . . . actual cost.

8 SECTION 30. Section 103.022, Government Code, is amended to  
9 read as follows:

10 Sec. 103.022. MISCELLANEOUS FEES AND COSTS. The following  
11 fees and costs shall be paid or collected as follows:

12 (1) fee for use of an interpreter in civil cases (Sec.  
13 21.051, Civil Practice and Remedies Code) . . . \$3;

14 (2) fee for custodian of a record compelled by a court  
15 to produce or certify the record (Sec. 22.004, Civil Practice and  
16 Remedies Code) . . . \$1;

17 (3) cost for use of certified copy of the record of  
18 names of all trustees appointed by any state organization of a  
19 religious congregation in this state (Sec. 126.012, Civil Practice  
20 and Remedies Code) . . . \$1.50;

21 (4) filing of a restitution lien (Art. 42.22, Code of  
22 Criminal Procedure) . . . \$5;

23 (5) issuance and service of a warrant of arrest for  
24 certain offenses if prescribed by the municipality (Art. 45.203,  
25 Code of Criminal Procedure) . . . not to exceed \$25;

26 (6) filing a certified copy of a judicial finding of  
27 fact and conclusion of law if charged by the secretary of state

1 (Sec. 51.905, Government Code) . . . \$15;

2 (7) costs of determining and sending information  
3 concerning the identity of the court with continuing, exclusive  
4 jurisdiction if charged by the bureau of vital statistics (Sec.  
5 108.006, Family Code) . . . reasonable fee;

6 (8) initial operations fee paid to domestic relations  
7 office on filing of a suit affecting the parent-child relationship,  
8 if authorized by the administering entity (Sec. 203.005, Family  
9 Code) . . . not to exceed \$15;

10 (9) initial child support service fee paid to domestic  
11 relations office in certain counties on filing of a suit affecting  
12 the parent-child relationship, if authorized by the administering  
13 entity (Sec. 203.005, Family Code) . . . not to exceed \$36;

14 (10) service fee for services of a domestic relations  
15 office, if authorized by the administering entity (Sec. 203.005,  
16 Family Code) . . . not to exceed \$3 per month;

17 (11) fee from a Title IV-D agency for each item of  
18 process to each individual on whom service is required, including  
19 service by certified or registered mail (Sec. 231.202, Family  
20 Code) . . . the amount that a sheriff or constable may charge for  
21 serving process under Section 118.131, Local Government Code;

22 (12) a copy of records of spousal or child support and  
23 fees administered in Dallas County if authorized by the local  
24 administrative judge (Sec. 152.0634, Human Resources  
25 Code) . . . not to exceed \$2 per page;

26 (13) collecting, disbursing, or monitoring spousal or  
27 child support payments in Dallas County (Sec. 152.0635, Human

1 Resources Code) . . . not to exceed \$3 per month;

2 (14) fee for adoption, family, and home study  
3 investigations in an adoption in Dallas County (Sec. 152.0635,  
4 Human Resources Code) . . . not to exceed \$250;

5 (15) certain transactions with respect to a suit for  
6 spousal support or a suit affecting the parent-child relationship  
7 in Harris County, if authorized by the county commissioners court  
8 (Sec. 152.1074, Human Resources Code) . . . not to exceed \$2 per  
9 transaction;

10 (16) child support service fee in Nueces County, if  
11 authorized by the county commissioners court (Sec. 152.1844, Human  
12 Resources Code) . . . not to exceed \$5 per month;

13 (17) services by the offices of the sheriff and  
14 constables (Sec. 118.131, Local Government Code) . . . amount set  
15 by county commissioners court;

16 (18) cost paid by each surety posting the bail bond for  
17 an offense other than a misdemeanor punishable by fine only under  
18 Chapter 17, Code of Criminal Procedure, for the felony prosecutor  
19 supplement fund and the fair defense account (Sec. 41.258,  
20 Government Code) . . . \$15, provided the cost does not exceed \$30  
21 for all bail bonds posted at that time for an individual and the  
22 cost is not required on the posting of a personal or cash bond;

23 (19) appraiser's fee as court costs for determining  
24 the fair value of ownership interests of owners who have perfected  
25 their rights (Sec. 10.365, Business Organizations Code) . . . a  
26 reasonable fee; ~~and~~

27 (20) to participate in a court proceeding in this

1 state, a nonresident attorney fee for civil legal services to the  
2 indigent (Sec. 82.0361, Government Code) . . . \$250 except as  
3 waived or reduced under supreme court rules for representing an  
4 indigent person; and

5 (21) costs of investigation, reasonable attorney's  
6 fees, and reasonable expert witness fees in a civil suit or a  
7 criminal prosecution for recovery of the value of any fish,  
8 shellfish, reptile, amphibian, bird, or animal (Sec. 12.308, Parks  
9 and Wildlife Code) . . . actual costs.

10 SECTION 31. Section 822.102(a), Health and Safety Code, is  
11 amended to read as follows:

12 (a) This subchapter does not apply to:

13 (1) a county, municipality, or agency of the state or  
14 an agency of the United States or an agent or official of a county,  
15 municipality, or agency acting in an official capacity;

16 (2) a research facility, as that term is defined by  
17 Section 2(e), Animal Welfare Act (7 U.S.C. Section 2132), and its  
18 subsequent amendments, that is licensed by the secretary of  
19 agriculture of the United States under that Act;

20 (3) an organization that is an accredited member of  
21 the American Zoo and Aquarium Association;

22 (4) an injured, infirm, orphaned, or abandoned  
23 dangerous wild animal while being transported for care or  
24 treatment;

25 (5) an injured, infirm, orphaned, or abandoned  
26 dangerous wild animal while being rehabilitated, treated, or cared  
27 for by a licensed veterinarian, an incorporated humane society or

1 animal shelter, or a person who holds a rehabilitation permit  
2 issued under Subchapter C, Chapter 43, Parks and Wildlife Code;

3 (6) a dangerous wild animal owned by and in the custody  
4 and control of a transient circus company that is not based in this  
5 state if:

6 (A) the animal is used as an integral part of the  
7 circus performances; and

8 (B) the animal is kept within this state only  
9 during the time the circus is performing in this state or for a  
10 period not to exceed 30 days while the circus is performing outside  
11 the United States;

12 (7) a dangerous wild animal while in the temporary  
13 custody or control of a television or motion picture production  
14 company during the filming of a television or motion picture  
15 production in this state;

16 (8) a dangerous wild animal owned by and in the  
17 possession, custody, or control of a college or university solely  
18 as a mascot for the college or university;

19 (9) a dangerous wild animal while being transported in  
20 interstate commerce through the state in compliance with the Animal  
21 Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent  
22 amendments and the regulations adopted under that Act;

23 (10) a nonhuman primate owned by and in the control and  
24 custody of a person whose only business is supplying nonhuman  
25 primates directly and exclusively to biomedical research  
26 facilities and who holds a Class "A" or Class "B" dealer's license  
27 issued by the secretary of agriculture of the United States under

1 the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its  
2 subsequent amendments; [~~and~~]

3 (11) a dangerous wild animal that is:

4 (A) owned by or in the possession, control, or  
5 custody of a person who is a participant in a species survival plan  
6 of the American Zoo and Aquarium Association for that species; and

7 (B) an integral part of that species survival  
8 plan; and

9 (12) in a county west of the Pecos River that has a  
10 population of less than 25,000, a cougar, bobcat, or coyote in the  
11 possession, custody, or control of a person that has trapped the  
12 cougar, bobcat, or coyote as part of a predator or depredation  
13 control activity.

14 SECTION 32. Section 42.10(e), Penal Code, is amended to  
15 read as follows:

16 (e) An offense under Subdivision [~~(1) or~~] (5) of Subsection  
17 (a) is a Class A misdemeanor. An offense under Subdivision (1),  
18 (2), (3), or (4) of Subsection (a) is a state jail felony. An  
19 offense under Subdivision (6) of Subsection (a) is a Class C  
20 misdemeanor.

21 SECTION 33. The following laws are repealed:

- 22 (1) Section 61.901(c), Parks and Wildlife Code;  
23 (2) Section 62.023(b), Parks and Wildlife Code;  
24 (3) Section 65.007, Parks and Wildlife Code; and  
25 (4) Section 71.004(b), Parks and Wildlife Code.

26 SECTION 34. (a) The Parks and Wildlife Department shall  
27 conduct a study concerning the use and maintenance of the state

1 parks account and the Texas recreation and parks account.

2 (b) The study conducted under Subsection (a) of this section  
3 must:

4 (1) evaluate the efficiency of the present use of  
5 revenue in both accounts or either account;

6 (2) identify potential new revenue sources for both  
7 accounts or either account; and

8 (3) identify innovative approaches to managing both  
9 accounts or either account.

10 (c) The Parks and Wildlife Department shall complete the  
11 study conducted under Subsection (a) of this section not later than  
12 September 1, 2006.

13 (d) Not later than January 1, 2007, the Parks and Wildlife  
14 Department shall submit to the governor, the lieutenant governor,  
15 the speaker of the house of representatives, and the chair of each  
16 committee of the legislature that has primary oversight  
17 jurisdiction over the department a written report that summarizes  
18 the findings of the study conducted under Subsection (a) of this  
19 section.

20 SECTION 35. The change in law made by this Act in adding  
21 Section 12.308, Parks and Wildlife Code, applies only to a civil  
22 suit under Subchapter D, Chapter 12, Parks and Wildlife Code, that  
23 commences on or after the effective date of this Act. A civil suit  
24 under Subchapter D, Chapter 12, Parks and Wildlife Code, that  
25 commences before the effective date of this Act is governed by the  
26 law in effect at the time the suit commenced, and that law is  
27 continued in effect for that purpose.

1           SECTION 36. (a) The changes in law made by Section 12.409,  
2 Parks and Wildlife Code, and Section 42.10(e), Penal Code, as  
3 amended by this Act, and the repeal of Section 61.901(c), Parks and  
4 Wildlife Code, by this Act apply only to an offense committed on or  
5 after the effective date of this Act. An offense committed before  
6 the effective date of this Act is governed by the law in effect at  
7 the time the offense was committed, and the former law is continued  
8 in effect for that purpose. For purposes of this section, an  
9 offense was committed before the effective date of this Act if any  
10 element of the offense was committed before that date.

11           (b) The repeal of Section 65.007, Parks and Wildlife Code,  
12 by this Act applies only to a license issued on or after September  
13 1, 2006.

14           SECTION 37. This Act takes effect immediately if it  
15 receives a vote of two-thirds of all the members elected to each  
16 house, as provided by Section 39, Article III, Texas Constitution.  
17 If this Act does not receive the vote necessary for immediate  
18 effect, this Act takes effect September 1, 2005.