

AN ACT

relating to the recovery of certain enforcement-related costs and to the taking and possession of certain wildlife or eggs, including requirements related to taxidermy and tanning and to harmful aquatic plants; imposing penalties.

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

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

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

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

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

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

Sec. 12.110. DISPOSITION OF CONFISCATED GAME. (a) Except as provided by Subsection (d), the ~~The~~ department shall donate,

1 whenever donation [~~same~~] is reasonably practicable, any wild game
2 animal, bird, fowl, [~~or~~] game fish, or exotic animal that [~~which~~] is
3 unlawfully killed, taken, shipped, held in storage, possessed, or
4 offered for sale [~~found~~] in a public eating place to a charitable
5 institution, hospital, or person or persons.

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

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

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

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

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

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

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

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

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

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

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

25 (b) A resident possessing a valid [~~resident alligator~~
26 ~~hunter's license,~~] resident trapper's license[~~7~~] or fur-bearing
27 animal propagation permit is not required to have a license issued

1 under this section to take or possess the species covered by the
2 license or permit.

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

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

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

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

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

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

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

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

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

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

26 Sec. 44.002. LICENSE REQUIREMENT. No person may sell,
27 place in captivity, or engage in the business of propagating any

1 game animal of this state unless the person [~~he~~] has obtained a
2 license issued under this chapter from the department.

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

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

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

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

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

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

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

20 Sec. 45.0001. DEFINITIONS. In this chapter:

21 (1) "Game bird" has the meaning assigned by Section
22 64.001 and includes "migratory game birds."

23 (2) "Migratory game bird" has the meaning assigned by
24 Section 64.021.

25 SECTION 15. Section 45.001, Parks and Wildlife Code, is
26 amended to read as follows:

27 Sec. 45.001. LICENSE REQUIRED. No person may possess game

1 birds in captivity for the purpose of propagation or sale or sell
2 game bird eggs without first acquiring the proper license
3 authorized to be issued under this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (b) During August of each year or another month set by the
23 commission, but before August 31 or another date established by the
24 commission, a commercial game bird breeder shall send to the
25 department a report showing the total number of game birds in the
26 possession of the breeder during the reporting period and
27 accounting for the acquisition and disposition of each game bird or

1 game bird egg purchased or sold. The reporting period is from
2 August 1 of the preceding year through July 31 of the current year
3 or another yearly period established by the commission.

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

6 Sec. 62.002. COMPUTER-ASSISTED REMOTE HUNTING. (a) In
7 this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 [~~(b)~~] No person for any purpose may possess, purchase, or
25 possess after purchase an alligator, an alligator hide, an
26 alligator egg, or any part of an alligator taken in this state
27 unless:

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

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

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

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

13 (1) vessel or watercraft; or

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

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

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

21 SECTION 29. Section 102.021, Government Code, is amended to
22 read as follows:

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

25 (1) court costs on conviction of a felony (Sec.
26 133.102, Local Government Code) . . . \$133;

27 (2) court costs on conviction of a Class A or Class B

1 misdemeanor (Sec. 133.102, Local Government Code) . . . \$83;

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

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

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

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

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

18 (8) fees for services of peace officer:

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

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

25 (C) summoning a witness (Art. 102.011, Code of
26 Criminal Procedure) . . . \$5;

27 (D) serving a writ not otherwise listed (Art.

1 102.011, Code of Criminal Procedure) . . . \$35;

2 (E) taking and approving a bond and, if
3 necessary, returning the bond to courthouse (Art. 102.011, Code of
4 Criminal Procedure) . . . \$10;

5 (F) commitment or release (Art. 102.011, Code of
6 Criminal Procedure) . . . \$5;

7 (G) summoning a jury (Art. 102.011, Code of
8 Criminal Procedure) . . . \$5;

9 (H) attendance of a prisoner in habeas corpus
10 case if prisoner has been remanded to custody or held to bail (Art.
11 102.011, Code of Criminal Procedure) . . . \$8 each day;

12 (I) mileage for certain services performed (Art.
13 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and

14 (J) services of a sheriff or constable who serves
15 process and attends examining trial in certain cases (Art. 102.011,
16 Code of Criminal Procedure) . . . not to exceed \$5;

17 (9) services of a peace officer in conveying a witness
18 outside the county (Art. 102.011, Code of Criminal
19 Procedure) . . . \$10 per day or part of a day, plus actual
20 necessary travel expenses;

21 (10) overtime of peace officer for time spent
22 testifying in the trial or traveling to or from testifying in the
23 trial (Art. 102.011, Code of Criminal Procedure) . . . actual
24 cost;

25 (11) court costs on an offense relating to rules of the
26 road, when offense occurs within a school crossing zone (Art.
27 102.014, Code of Criminal Procedure) . . . \$25;

- 1 (12) court costs on an offense of passing a school bus
2 (Art. 102.014, Code of Criminal Procedure) . . . \$25;
- 3 (13) court costs on an offense of truancy or
4 contributing to truancy (Art. 102.014, Code of Criminal
5 Procedure) . . . \$20;
- 6 (14) cost for visual recording of intoxication arrest
7 before conviction (Art. 102.018, Code of Criminal
8 Procedure) . . . \$15;
- 9 (15) cost of certain evaluations (Art. 102.018, Code
10 of Criminal Procedure) . . . actual cost;
- 11 (16) additional costs attendant to certain
12 intoxication convictions under Chapter 49, Penal Code, for
13 emergency medical services, trauma facilities, and trauma care
14 systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;
- 15 (17) cost for DNA testing for certain felonies (Art.
16 102.020, Code of Criminal Procedure) . . . \$250;
- 17 (18) court cost on an offense of public lewdness or
18 indecent exposure (Art. 102.020, Code of Criminal
19 Procedure) . . . \$50;
- 20 (19) court cost on conviction of a misdemeanor under
21 Subtitle C, Title 7, Transportation Code (Sec. 542.403,
22 Transportation Code) . . . \$3;
- 23 (20) cost for impoundment of vehicle (Sec. 601.263,
24 Transportation Code) . . . \$15 per day; ~~and~~
- 25 (21) a civil and criminal enforcement cost on
26 conviction of an offense of, or related to, the nonpayment of a toll
27 in certain counties (Sec. 284.2031, Transportation Code) . . . \$1;

1 and

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

6 SECTION 30. Section 103.022, Government Code, is amended to
7 read as follows:

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

10 (1) fee for use of an interpreter in civil cases (Sec.
11 21.051, Civil Practice and Remedies Code) . . . \$3;

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

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

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

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

24 (6) filing a certified copy of a judicial finding of
25 fact and conclusion of law if charged by the secretary of state
26 (Sec. 51.905, Government Code) . . . \$15;

27 (7) costs of determining and sending information

1 concerning the identity of the court with continuing, exclusive
2 jurisdiction if charged by the bureau of vital statistics (Sec.
3 108.006, Family Code) . . . reasonable fee;

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

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

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

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

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

24 (13) collecting, disbursing, or monitoring spousal or
25 child support payments in Dallas County (Sec. 152.0635, Human
26 Resources Code) . . . not to exceed \$3 per month;

27 (14) fee for adoption, family, and home study

1 investigations in an adoption in Dallas County (Sec. 152.0635,
2 Human Resources Code) . . . not to exceed \$250;

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

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

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

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

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

25 (20) to participate in a court proceeding in this
26 state, a nonresident attorney fee for civil legal services to the
27 indigent (Sec. 82.0361, Government Code) . . . \$250 except as

1 waived or reduced under supreme court rules for representing an
2 indigent person; and

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

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

10 (a) This subchapter does not apply to:

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

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

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

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

23 (5) an injured, infirm, orphaned, or abandoned
24 dangerous wild animal while being rehabilitated, treated, or cared
25 for by a licensed veterinarian, an incorporated humane society or
26 animal shelter, or a person who holds a rehabilitation permit
27 issued under Subchapter C, Chapter 43, Parks and Wildlife Code;

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

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

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

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

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

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

21 (10) a nonhuman primate owned by and in the control and
22 custody of a person whose only business is supplying nonhuman
23 primates directly and exclusively to biomedical research
24 facilities and who holds a Class "A" or Class "B" dealer's license
25 issued by the secretary of agriculture of the United States under
26 the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its
27 subsequent amendments; [~~and~~]

1 (11) a dangerous wild animal that is:

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

5 (B) an integral part of that species survival
6 plan; and

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

12 SECTION 32. The following laws are repealed:

13 (1) Section 61.901(c), Parks and Wildlife Code;

14 (2) Section 62.023(b), Parks and Wildlife Code;

15 (3) Section 65.007, Parks and Wildlife Code; and

16 (4) Section 71.004(b), Parks and Wildlife Code.

17 SECTION 33. The change in law made by this Act in adding
18 Section 12.308, Parks and Wildlife Code, applies only to a civil
19 suit under Subchapter D, Chapter 12, Parks and Wildlife Code, that
20 commences on or after the effective date of this Act. A civil suit
21 under Subchapter D, Chapter 12, Parks and Wildlife Code, that
22 commences before the effective date of this Act is governed by the
23 law in effect at the time the suit commenced, and that law is
24 continued in effect for that purpose.

25 SECTION 34. (a) The changes in law made by Section 12.409,
26 Parks and Wildlife Code, as amended by this Act, and the repeal of
27 Section 61.901(c), Parks and Wildlife Code, by this Act apply only

1 to an offense committed on or after the effective date of this Act.
2 An offense committed before the effective date of this Act is
3 governed by the law in effect at the time the offense was committed,
4 and the former law is continued in effect for that purpose. For
5 purposes of this section, an offense was committed before the
6 effective date of this Act if any element of the offense was
7 committed before that date.

8 (b) The repeal of Section 65.007, Parks and Wildlife Code,
9 by this Act applies only to a license issued on or after September
10 1, 2006.

11 SECTION 35. This Act takes effect immediately if it
12 receives a vote of two-thirds of all the members elected to each
13 house, as provided by Section 39, Article III, Texas Constitution.
14 If this Act does not receive the vote necessary for immediate
15 effect, this Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 2026 was passed by the House on May 12, 2005, by the following vote: Yeas 134, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2026 on May 27, 2005, by the following vote: Yeas 140, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2026 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