

1-1 By: Hilderbran (Senate Sponsor - Jackson) H.B. No. 2026  
1-2 (In the Senate - Received from the House May 13, 2005;  
1-3 May 16, 2005, read first time and referred to Committee on Natural  
1-4 Resources; May 20, 2005, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 10, Nays 0;  
1-6 May 20, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2026 By: Lindsay

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

1-10 relating to the recovery of certain enforcement-related costs and  
1-11 to the taking and possession of certain wildlife or eggs, including  
1-12 requirements related to taxidermy and tanning and to harmful  
1-13 aquatic plants; imposing penalties.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Section 1.101, Parks and Wildlife Code, is  
1-16 amended by adding Subdivision (5) to read as follows:

1-17 (5) "Take," except as otherwise provided by this code,  
1-18 means collect, hook, hunt, net, shoot, or snare, by any means or  
1-19 device, and includes an attempt to take or to pursue in order to  
1-20 take.

1-21 SECTION 2. Section 12.013, Parks and Wildlife Code, is  
1-22 amended to read as follows:

1-23 Sec. 12.013. POWER TO TAKE WILDLIFE. An employee of the  
1-24 department acting within the scope of the employee's authority may  
1-25 possess, take, transport, release, and manage any of the wildlife  
1-26 and fish in this state for investigation, propagation,  
1-27 distribution, education, disease diagnosis or prevention, or  
1-28 scientific purposes.

1-29 SECTION 3. Section 12.110, Parks and Wildlife Code, is  
1-30 amended to read as follows:

1-31 Sec. 12.110. DISPOSITION OF CONFISCATED GAME. (a) Except  
1-32 as provided by Subsection (d), the [The] department shall donate,  
1-33 whenever donation [same] is reasonably practicable, any wild game  
1-34 animal, bird, fowl, [or] game fish, or exotic animal that [which] is  
1-35 unlawfully killed, taken, shipped, held in storage, possessed, or  
1-36 offered for sale [found] in a public eating place to a charitable  
1-37 institution, hospital, or person or persons.

1-38 (b) The expense of any storage, care, feeding, cold storage,  
1-39 or processing that may be necessary for an unlawfully possessed  
1-40 game bird, fowl, animal, [or] game fish, or exotic animal shall be  
1-41 assessed against the violator on the violator's [his] conviction.

1-42 (c) The department and an enforcement officer of the  
1-43 department who acts under this section are not liable in any civil  
1-44 action for the seizure, sale, or donation of a game bird, other  
1-45 fowl, animal, [or] game fish, or exotic animal.

1-46 (d) The department may sell confiscated live game described  
1-47 by Subsection (a) to the highest of three bidders. At the time of a  
1-48 sale under this subsection, the department shall provide the buyer  
1-49 a receipt for all game sold to the buyer. The department shall  
1-50 deposit the proceeds of the sale in the state treasury to the credit  
1-51 of suspense account 900 pending the outcome of any action against  
1-52 the person charged with an unlawful action described by Subsection  
1-53 (a). If that person is found guilty, pleads guilty or nolo  
1-54 contendere, or is placed on deferred adjudication, the department  
1-55 shall deposit the proceeds of the sale into the game, fish, and  
1-56 water safety account. If the person is found not guilty, the  
1-57 department shall pay the proceeds of the sale to the person.

1-58 (e) This section does not apply to the lawful possession or  
1-59 sale of an exotic animal.

1-60 (f) In this section, "exotic animal" has the meaning  
1-61 assigned by Section 62.015.

1-62 SECTION 4. Subchapter D, Chapter 12, Parks and Wildlife  
1-63 Code, is amended by adding Section 12.308 to read as follows:

2-1 Sec. 12.308. CERTAIN COSTS RECOVERABLE. (a) The actual  
2-2 cost of investigation, reasonable attorney's fees, and reasonable  
2-3 expert witness fees incurred by the department in a civil suit under  
2-4 this subchapter may be recovered in addition to damages for the  
2-5 value of any fish, shellfish, reptile, amphibian, bird, or animal  
2-6 unlawfully killed, caught, taken, possessed, or injured.

2-7 (b) Any amounts recovered under this section shall be  
2-8 credited to the same operating accounts from which the expenditures  
2-9 occurred.

2-10 SECTION 5. Section 12.409, Parks and Wildlife Code, is  
2-11 amended to read as follows:

2-12 Sec. 12.409. SEPARATE OFFENSES. Each fish, bird, animal,  
2-13 reptile, [~~or~~] amphibian, or egg or part of a fish, bird, animal,  
2-14 reptile, [~~or~~] amphibian, or egg taken, possessed, killed, left to  
2-15 die, imported, exported, offered for sale, sold, purchased,  
2-16 attempted to be purchased, or retained in violation of any  
2-17 provision of this code or a proclamation or regulation adopted  
2-18 under this code constitutes a separate offense.

2-19 SECTION 6. Section 42.002(b), Parks and Wildlife Code, is  
2-20 amended to read as follows:

2-21 (b) A resident possessing a valid [~~resident alligator~~  
2-22 ~~hunter's license,~~] resident trapper's license[+] or fur-bearing  
2-23 animal propagation permit is not required to have a license issued  
2-24 under this section to take or possess the species covered by the  
2-25 license or permit.

2-26 SECTION 7. Section 42.005(c), Parks and Wildlife Code, is  
2-27 amended to read as follows:

2-28 (c) A nonresident possessing a valid [~~nonresident alligator~~  
2-29 ~~hunter's license or~~] nonresident trapper's license is not required  
2-30 to have a license issued under this section to take or possess the  
2-31 species governed by the license.

2-32 SECTION 8. The heading to Section 43.073, Parks and  
2-33 Wildlife Code, is amended to read as follows:

2-34 Sec. 43.073. [~~SIZE OF~~] AREA[+] LIMITATIONS AND[+] MARKINGS.

2-35 SECTION 9. Sections 43.073(a) and (c), Parks and Wildlife  
2-36 Code, are amended to read as follows:

2-37 (a) A private bird hunting area must [~~may~~] consist of [~~not~~  
2-38 ~~more than 8,000~~] contiguous acreage owned by an individual,  
2-39 partnership, firm, or corporation [~~acres~~].

2-40 (c) Signs must [~~shall~~] be placed at each entrance to a  
2-41 private bird hunting area [~~and all corners~~] to identify clearly the  
2-42 boundaries of each licensed area.

2-43 SECTION 10. Section 44.001, Parks and Wildlife Code, is  
2-44 amended by adding Subdivision (3) to read as follows:

2-45 (3) "Game animal" means a pronghorn antelope, a  
2-46 collared peccary or javelina, or a red or gray squirrel.

2-47 SECTION 11. Section 44.002, Parks and Wildlife Code, is  
2-48 amended to read as follows:

2-49 Sec. 44.002. LICENSE REQUIREMENT. No person may sell,  
2-50 place in captivity, or engage in the business of propagating any  
2-51 game animal of this state unless the person [~~he~~] has obtained a  
2-52 license issued under this chapter from the department.

2-53 SECTION 12. Section 44.005(b), Parks and Wildlife Code, is  
2-54 amended to read as follows:

2-55 (b) The game breeder shall place a suitable permanent  
2-56 [~~metal~~] tag bearing the game breeder's [~~his~~] serial number on the  
2-57 ear of each pronghorn antelope or collared peccary or javelina held  
2-58 in captivity [~~or sold~~] by the game breeder.

2-59 SECTION 13. Section 44.006, Parks and Wildlife Code, is  
2-60 amended to read as follows:

2-61 Sec. 44.006. LICENSE PRIVILEGES. The holder of a valid game  
2-62 breeder's license may:

2-63 (1) engage in the business of game breeding in the  
2-64 immediate locality for which the license was issued; or

2-65 (2) sell or hold in captivity for the purpose of  
2-66 propagation or sale a game animal [~~antelope, collared peccary, and~~  
2-67 ~~wild squirrels~~].

2-68 SECTION 14. Chapter 45, Parks and Wildlife Code, is amended  
2-69 by adding Section 45.0001 to read as follows:

3-1 Sec. 45.0001. DEFINITIONS. In this chapter:

3-2 (1) "Game bird" has the meaning assigned by Section  
3-3 64.001 and includes "migratory game birds."

3-4 (2) "Migratory game bird" has the meaning assigned by  
3-5 Section 64.021.

3-6 SECTION 15. Section 45.001, Parks and Wildlife Code, is  
3-7 amended to read as follows:

3-8 Sec. 45.001. LICENSE REQUIRED. No person may possess game  
3-9 birds in captivity for the purpose of propagation or sale or sell  
3-10 game bird eggs without first acquiring the proper license  
3-11 authorized to be issued under this chapter.

3-12 SECTION 16. Section 45.003, Parks and Wildlife Code, is  
3-13 amended by adding Subsection (c) to read as follows:

3-14 (c) A class 1 or class 2 commercial game bird breeder's  
3-15 license is valid for selling game bird eggs in this state,  
3-16 regardless of the number of eggs sold.

3-17 SECTION 17. The heading to Section 45.005, Parks and  
3-18 Wildlife Code, is amended to read as follows:

3-19 Sec. 45.005. RECORDS OF LIVE BIRD AND EGG SALES.

3-20 SECTION 18. Section 45.005(a), Parks and Wildlife Code, is  
3-21 amended to read as follows:

3-22 (a) No holder of a commercial game bird breeder's license  
3-23 may sell a live game bird or game bird egg without issuing a written  
3-24 document showing the name and serial number of the game bird  
3-25 breeder, the name and address of the purchaser, and the kind or  
3-26 species [description] and number of game birds or game bird eggs  
3-27 sold. The document shall be delivered to the purchaser.

3-28 SECTION 19. Section 45.0061, Parks and Wildlife Code, is  
3-29 amended to read as follows:

3-30 Sec. 45.0061. SOURCE OF GAME BIRDS. A person who is not  
3-31 required to possess a commercial game bird breeder's license and  
3-32 who is in possession of a live game bird, game bird egg, or part of a  
3-33 dead game bird shall, on the request of a game warden commissioned  
3-34 by the department, furnish to the warden a receipt showing the name  
3-35 and street address of the person and the name and street address of  
3-36 the source from which any live game bird, game bird egg, or part of a  
3-37 dead game bird in the possession of the person was derived. The  
3-38 receipt must also show the date of sale and the kind or species and  
3-39 number of live game birds, game bird eggs, or parts of dead game  
3-40 birds acquired. The failure or refusal to comply with this section  
3-41 is a violation of this chapter.

3-42 SECTION 20. Section 45.007(b), Parks and Wildlife Code, is  
3-43 amended to read as follows:

3-44 (b) No person may purchase a live game bird or game bird egg  
3-45 except from a holder of a game bird breeder's license; however,  
3-46 this subsection does not prohibit the purchase of live game birds or  
3-47 game bird eggs [delivered by a common carrier] from a lawful source  
3-48 outside the state.

3-49 SECTION 21. Sections 45.008(a) and (b), Parks and Wildlife  
3-50 Code, are amended to read as follows:

3-51 (a) Each commercial game bird breeder shall maintain  
3-52 records showing the numbers of game birds and game bird eggs  
3-53 acquired, propagated, sold, and disposed of in any other manner.  
3-54 The records must [shall] be on forms provided by the department and  
3-55 must [shall] contain any other information required by the  
3-56 department.

3-57 (b) During August of each year or another month set by the  
3-58 commission, but before August 31 or another date established by the  
3-59 commission, a commercial game bird breeder shall send to the  
3-60 department a report showing the total number of game birds in the  
3-61 possession of the breeder during the reporting period and  
3-62 accounting for the acquisition and disposition of each game bird or  
3-63 game bird egg purchased or sold. The reporting period is from  
3-64 August 1 of the preceding year through July 31 of the current year  
3-65 or another yearly period established by the commission.

3-66 SECTION 22. Subchapter A, Chapter 62, Parks and Wildlife  
3-67 Code, is amended by adding Section 62.002 to read as follows:

3-68 Sec. 62.002. COMPUTER-ASSISTED REMOTE HUNTING. (a) In  
3-69 this section:

4-1 (1) "Computer-assisted remote hunting" means the use  
4-2 of a computer or any other device, equipment, or software, to  
4-3 remotely control the aiming and discharge of archery equipment, a  
4-4 crossbow, or a firearm to hunt an animal, including a bird.

4-5 (2) "Firearm" and "archery equipment" have the  
4-6 meanings assigned by Section 62.014.

4-7 (b) A person may not engage in computer-assisted remote  
4-8 hunting or provide or operate facilities for computer-assisted  
4-9 remote hunting if the animal being hunted is located in this state.

4-10 (c) For purposes of this section, facilities for  
4-11 computer-assisted remote hunting include real property and  
4-12 improvements on the property associated with hunting, including  
4-13 hunting blinds, offices, and rooms equipped to facilitate  
4-14 computer-assisted remote hunting.

4-15 (d) A person who violates this section commits an offense  
4-16 that is a Class B Parks and Wildlife Code misdemeanor, unless it is  
4-17 shown at the trial of the defendant that the defendant has been  
4-18 convicted one or more times before the trial date of a violation of  
4-19 this section, in which case the offense is a Class A Parks and  
4-20 Wildlife Code misdemeanor.

4-21 (e) It is an exception to the application of this section  
4-22 that a person provides only:

4-23 (1) general-purpose equipment, including a computer,  
4-24 camera, fencing, and building materials;

4-25 (2) general-purpose computer software including an  
4-26 operating system and communications programs; or

4-27 (3) general telecommunications hardware or networking  
4-28 services for computers, including adapters, modems, servers,  
4-29 routers, and other facilities associated with Internet access.

4-30 SECTION 23. Section 62.003(a), Parks and Wildlife Code, is  
4-31 amended to read as follows:

4-32 (a) Except as provided in Subsection (b) [~~of this section~~],  
4-33 no person may hunt any wild bird or wild animal, other than an  
4-34 alligator, frog, or turtle, from any type of aircraft or airborne  
4-35 device, motor vehicle, powerboat, or sailboat, or from any other  
4-36 floating device [~~any wild bird or wild animal~~].

4-37 SECTION 24. Sections 62.023(a) and (c), Parks and Wildlife  
4-38 Code, are amended to read as follows:

4-39 (a) If the owner of a lawfully taken game animal or game  
4-40 bird, including the head [~~heads~~] or hide of a lawfully taken game  
4-41 animal or game bird [~~hides~~] that has [~~have~~] been mounted or tanned,  
4-42 has not claimed the mounted game animal, game bird, or head or the  
4-43 tanned hide [~~them~~] within 90 days after notification by a  
4-44 taxidermist or tanner, the taxidermist or tanner may sell the  
4-45 mounted game animal, game bird other than a migratory game bird, or  
4-46 head or tanned hide [~~head or hides~~] for the amount due for labor  
4-47 performed.

4-48 (c) A taxidermist or tanner selling a mounted game animal,  
4-49 game bird, or head or tanned hide [~~heads or hides~~] under this  
4-50 section shall maintain, until the second anniversary of the  
4-51 completion of the taxidermy or tanning, documentation of the  
4-52 identity of the person who left the game animal, game bird, head, or  
4-53 hide for taxidermy or tanning. Documentation under this section  
4-54 may include a hunting tag, wildlife resource document, or cold  
4-55 storage record [~~report immediately the sale to the department. The~~  
4-56 ~~report must include the name of the person purchasing the head or~~  
4-57 ~~hides and a copy of the transportation affidavit regarding the~~  
4-58 ~~manner in which the head or hides were obtained~~].

4-59 SECTION 25. Section 62.068, Parks and Wildlife Code, is  
4-60 amended to read as follows:

4-61 Sec. 62.068. ARREST. A peace officer, game warden  
4-62 [~~management officer~~], or commissioned state park employee may  
4-63 arrest without warrant a person found committing a violation of  
4-64 this subchapter.

4-65 SECTION 26. Section 65.006, Parks and Wildlife Code, is  
4-66 amended to read as follows:

4-67 Sec. 65.006. PERMIT [~~LICENSE~~] REQUIRED. [~~(a) No person may~~  
4-68 ~~take, attempt to take, or possess an alligator in this state unless~~  
4-69 ~~the person has acquired and possesses an alligator hunter's~~

5-1 ~~license.~~

5-2 [(b)] No person for any purpose may possess, purchase, or  
5-3 possess after purchase an alligator, an alligator hide, an  
5-4 alligator egg, or any part of an alligator taken in this state  
5-5 unless:

5-6 (1) the person has acquired and possesses a permit  
5-7 issued by the department for that purpose; or

5-8 (2) a regulation of the commission otherwise allows  
5-9 the possession or purchase without a permit.

5-10 SECTION 27. Subchapter A, Chapter 66, Parks and Wildlife  
5-11 Code, is amended by adding Section 66.0071 to read as follows:

5-12 Sec. 66.0071. REMOVAL OF HARMFUL AQUATIC PLANTS. On  
5-13 leaving any public or private body of water in this state, a person  
5-14 shall immediately remove and lawfully dispose of any harmful or  
5-15 potentially harmful aquatic plant included on the list published  
5-16 under Section 66.007(b) that is clinging or attached to the  
5-17 person's:

5-18 (1) vessel or watercraft; or

5-19 (2) trailer, motor vehicle, or other mobile device  
5-20 used to transport or launch a vessel or watercraft.

5-21 SECTION 28. Section 71.001(1), Parks and Wildlife Code, is  
5-22 amended to read as follows:

5-23 (1) "Fur-bearing animal" means wild beaver, otter,  
5-24 mink, ring-tailed cat, badger, skunk, raccoon, muskrat, opossum,  
5-25 fox, or nutria [~~, or civet cat~~].

5-26 SECTION 29. Section 102.021, Government Code, is amended to  
5-27 read as follows:

5-28 Sec. 102.021. COURT COSTS ON CONVICTION. A person  
5-29 convicted of an offense shall pay, in addition to all other costs:

5-30 (1) court costs on conviction of a felony (Sec.  
5-31 133.102, Local Government Code) . . . \$133;

5-32 (2) court costs on conviction of a Class A or Class B  
5-33 misdemeanor (Sec. 133.102, Local Government Code) . . . \$83;

5-34 (3) court costs on conviction of a nonjailable  
5-35 misdemeanor offense, including a criminal violation of a municipal  
5-36 ordinance, other than a conviction of an offense relating to a  
5-37 pedestrian or the parking of a motor vehicle (Sec. 133.102, Local  
5-38 Government Code) . . . \$40;

5-39 (4) court costs on certain convictions in statutory  
5-40 county courts (Sec. 51.702, Government Code) . . . \$15;

5-41 (5) court costs on certain convictions in certain  
5-42 county courts (Sec. 51.703, Government Code) . . . \$15;

5-43 (6) a time payment fee if convicted of a felony or  
5-44 misdemeanor for paying any part of a fine, court costs, or  
5-45 restitution on or after the 31st day after the date on which a  
5-46 judgment is entered assessing the fine, court costs, or restitution  
5-47 (Sec. 133.103, Local Government Code) . . . \$25;

5-48 (7) a fee for services of prosecutor (Art. 102.008,  
5-49 Code of Criminal Procedure) . . . \$25;

5-50 (8) fees for services of peace officer:

5-51 (A) issuing a written notice to appear in court  
5-52 for certain violations (Art. 102.011, Code of Criminal  
5-53 Procedure) . . . \$5;

5-54 (B) executing or processing an issued arrest  
5-55 warrant or *capias* (Art. 102.011, Code of Criminal  
5-56 Procedure) . . . \$50;

5-57 (C) summoning a witness (Art. 102.011, Code of  
5-58 Criminal Procedure) . . . \$5;

5-59 (D) serving a writ not otherwise listed (Art.  
5-60 102.011, Code of Criminal Procedure) . . . \$35;

5-61 (E) taking and approving a bond and, if  
5-62 necessary, returning the bond to courthouse (Art. 102.011, Code of  
5-63 Criminal Procedure) . . . \$10;

5-64 (F) commitment or release (Art. 102.011, Code of  
5-65 Criminal Procedure) . . . \$5;

5-66 (G) summoning a jury (Art. 102.011, Code of  
5-67 Criminal Procedure) . . . \$5;

5-68 (H) attendance of a prisoner in habeas corpus  
5-69 case if prisoner has been remanded to custody or held to bail (Art.

6-1 102.011, Code of Criminal Procedure) . . . \$8 each day;

6-2 (I) mileage for certain services performed (Art.

6-3 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and

6-4 (J) services of a sheriff or constable who serves

6-5 process and attends examining trial in certain cases (Art. 102.011,

6-6 Code of Criminal Procedure) . . . not to exceed \$5;

6-7 (9) services of a peace officer in conveying a witness

6-8 outside the county (Art. 102.011, Code of Criminal

6-9 Procedure) . . . \$10 per day or part of a day, plus actual

6-10 necessary travel expenses;

6-11 (10) overtime of peace officer for time spent

6-12 testifying in the trial or traveling to or from testifying in the

6-13 trial (Art. 102.011, Code of Criminal Procedure) . . . actual

6-14 cost;

6-15 (11) court costs on an offense relating to rules of the

6-16 road, when offense occurs within a school crossing zone (Art.

6-17 102.014, Code of Criminal Procedure) . . . \$25;

6-18 (12) court costs on an offense of passing a school bus

6-19 (Art. 102.014, Code of Criminal Procedure) . . . \$25;

6-20 (13) court costs on an offense of truancy or

6-21 contributing to truancy (Art. 102.014, Code of Criminal

6-22 Procedure) . . . \$20;

6-23 (14) cost for visual recording of intoxication arrest

6-24 before conviction (Art. 102.018, Code of Criminal

6-25 Procedure) . . . \$15;

6-26 (15) cost of certain evaluations (Art. 102.018, Code

6-27 of Criminal Procedure) . . . actual cost;

6-28 (16) additional costs attendant to certain

6-29 intoxication convictions under Chapter 49, Penal Code, for

6-30 emergency medical services, trauma facilities, and trauma care

6-31 systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;

6-32 (17) cost for DNA testing for certain felonies (Art.

6-33 102.020, Code of Criminal Procedure) . . . \$250;

6-34 (18) court cost on an offense of public lewdness or

6-35 indecent exposure (Art. 102.020, Code of Criminal

6-36 Procedure) . . . \$50;

6-37 (19) court cost on conviction of a misdemeanor under

6-38 Subtitle C, Title 7, Transportation Code (Sec. 542.403,

6-39 Transportation Code) . . . \$3;

6-40 (20) cost for impoundment of vehicle (Sec. 601.263,

6-41 Transportation Code) . . . \$15 per day; ~~and~~

6-42 (21) a civil and criminal enforcement cost on

6-43 conviction of an offense of, or related to, the nonpayment of a toll

6-44 in certain counties (Sec. 284.2031, Transportation Code) . . . \$1;

6-45 and

6-46 (22) the cost of any storage, care, feeding, cold

6-47 storage, or processing necessary for an unlawfully taken, shipped,

6-48 or possessed game bird, fowl, animal, game fish, or exotic animal

6-49 (Sec. 12.110, Parks and Wildlife Code) . . . actual cost.

6-50 SECTION 30. Section 103.022, Government Code, is amended to

6-51 read as follows:

6-52 Sec. 103.022. MISCELLANEOUS FEES AND COSTS. The following

6-53 fees and costs shall be paid or collected as follows:

6-54 (1) fee for use of an interpreter in civil cases (Sec.

6-55 21.051, Civil Practice and Remedies Code) . . . \$3;

6-56 (2) fee for custodian of a record compelled by a court

6-57 to produce or certify the record (Sec. 22.004, Civil Practice and

6-58 Remedies Code) . . . \$1;

6-59 (3) cost for use of certified copy of the record of

6-60 names of all trustees appointed by any state organization of a

6-61 religious congregation in this state (Sec. 126.012, Civil Practice

6-62 and Remedies Code) . . . \$1.50;

6-63 (4) filing of a restitution lien (Art. 42.22, Code of

6-64 Criminal Procedure) . . . \$5;

6-65 (5) issuance and service of a warrant of arrest for

6-66 certain offenses if prescribed by the municipality (Art. 45.203,

6-67 Code of Criminal Procedure) . . . not to exceed \$25;

6-68 (6) filing a certified copy of a judicial finding of

6-69 fact and conclusion of law if charged by the secretary of state

7-1 (Sec. 51.905, Government Code) . . . \$15;

7-2 (7) costs of determining and sending information

7-3 concerning the identity of the court with continuing, exclusive

7-4 jurisdiction if charged by the bureau of vital statistics (Sec.

7-5 108.006, Family Code) . . . reasonable fee;

7-6 (8) initial operations fee paid to domestic relations

7-7 office on filing of a suit affecting the parent-child relationship,

7-8 if authorized by the administering entity (Sec. 203.005, Family

7-9 Code) . . . not to exceed \$15;

7-10 (9) initial child support service fee paid to domestic

7-11 relations office in certain counties on filing of a suit affecting

7-12 the parent-child relationship, if authorized by the administering

7-13 entity (Sec. 203.005, Family Code) . . . not to exceed \$36;

7-14 (10) service fee for services of a domestic relations

7-15 office, if authorized by the administering entity (Sec. 203.005,

7-16 Family Code) . . . not to exceed \$3 per month;

7-17 (11) fee from a Title IV-D agency for each item of

7-18 process to each individual on whom service is required, including

7-19 service by certified or registered mail (Sec. 231.202, Family

7-20 Code) . . . the amount that a sheriff or constable may charge for

7-21 serving process under Section 118.131, Local Government Code;

7-22 (12) a copy of records of spousal or child support and

7-23 fees administered in Dallas County if authorized by the local

7-24 administrative judge (Sec. 152.0634, Human Resources

7-25 Code) . . . not to exceed \$2 per page;

7-26 (13) collecting, disbursing, or monitoring spousal or

7-27 child support payments in Dallas County (Sec. 152.0635, Human

7-28 Resources Code) . . . not to exceed \$3 per month;

7-29 (14) fee for adoption, family, and home study

7-30 investigations in an adoption in Dallas County (Sec. 152.0635,

7-31 Human Resources Code) . . . not to exceed \$250;

7-32 (15) certain transactions with respect to a suit for

7-33 spousal support or a suit affecting the parent-child relationship

7-34 in Harris County, if authorized by the county commissioners court

7-35 (Sec. 152.1074, Human Resources Code) . . . not to exceed \$2 per

7-36 transaction;

7-37 (16) child support service fee in Nueces County, if

7-38 authorized by the county commissioners court (Sec. 152.1844, Human

7-39 Resources Code) . . . not to exceed \$5 per month;

7-40 (17) services by the offices of the sheriff and

7-41 constables (Sec. 118.131, Local Government Code) . . . amount set

7-42 by county commissioners court;

7-43 (18) cost paid by each surety posting the bail bond for

7-44 an offense other than a misdemeanor punishable by fine only under

7-45 Chapter 17, Code of Criminal Procedure, for the felony prosecutor

7-46 supplement fund and the fair defense account (Sec. 41.258,

7-47 Government Code) . . . \$15, provided the cost does not exceed \$30

7-48 for all bail bonds posted at that time for an individual and the

7-49 cost is not required on the posting of a personal or cash bond;

7-50 (19) appraiser's fee as court costs for determining

7-51 the fair value of ownership interests of owners who have perfected

7-52 their rights (Sec. 10.365, Business Organizations Code) . . . a

7-53 reasonable fee; ~~and~~

7-54 (20) to participate in a court proceeding in this

7-55 state, a nonresident attorney fee for civil legal services to the

7-56 indigent (Sec. 82.0361, Government Code) . . . \$250 except as

7-57 waived or reduced under supreme court rules for representing an

7-58 indigent person; and

7-59 (21) costs of investigation, reasonable attorney's

7-60 fees, and reasonable expert witness fees in a civil suit or a

7-61 criminal prosecution for recovery of the value of any fish,

7-62 shellfish, reptile, amphibian, bird, or animal (Sec. 12.308, Parks

7-63 and Wildlife Code) . . . actual costs.

7-64 SECTION 31. Section 822.102(a), Health and Safety Code, is

7-65 amended to read as follows:

7-66 (a) This subchapter does not apply to:

7-67 (1) a county, municipality, or agency of the state or

7-68 an agency of the United States or an agent or official of a county,

7-69 municipality, or agency acting in an official capacity;

8-1 (2) a research facility, as that term is defined by  
 8-2 Section 2(e), Animal Welfare Act (7 U.S.C. Section 2132), and its  
 8-3 subsequent amendments, that is licensed by the secretary of  
 8-4 agriculture of the United States under that Act;

8-5 (3) an organization that is an accredited member of  
 8-6 the American Zoo and Aquarium Association;

8-7 (4) an injured, infirm, orphaned, or abandoned  
 8-8 dangerous wild animal while being transported for care or  
 8-9 treatment;

8-10 (5) an injured, infirm, orphaned, or abandoned  
 8-11 dangerous wild animal while being rehabilitated, treated, or cared  
 8-12 for by a licensed veterinarian, an incorporated humane society or  
 8-13 animal shelter, or a person who holds a rehabilitation permit  
 8-14 issued under Subchapter C, Chapter 43, Parks and Wildlife Code;

8-15 (6) a dangerous wild animal owned by and in the custody  
 8-16 and control of a transient circus company that is not based in this  
 8-17 state if:

8-18 (A) the animal is used as an integral part of the  
 8-19 circus performances; and

8-20 (B) the animal is kept within this state only  
 8-21 during the time the circus is performing in this state or for a  
 8-22 period not to exceed 30 days while the circus is performing outside  
 8-23 the United States;

8-24 (7) a dangerous wild animal while in the temporary  
 8-25 custody or control of a television or motion picture production  
 8-26 company during the filming of a television or motion picture  
 8-27 production in this state;

8-28 (8) a dangerous wild animal owned by and in the  
 8-29 possession, custody, or control of a college or university solely  
 8-30 as a mascot for the college or university;

8-31 (9) a dangerous wild animal while being transported in  
 8-32 interstate commerce through the state in compliance with the Animal  
 8-33 Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent  
 8-34 amendments and the regulations adopted under that Act;

8-35 (10) a nonhuman primate owned by and in the control and  
 8-36 custody of a person whose only business is supplying nonhuman  
 8-37 primates directly and exclusively to biomedical research  
 8-38 facilities and who holds a Class "A" or Class "B" dealer's license  
 8-39 issued by the secretary of agriculture of the United States under  
 8-40 the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its  
 8-41 subsequent amendments; ~~and~~

8-42 (11) a dangerous wild animal that is:

8-43 (A) owned by or in the possession, control, or  
 8-44 custody of a person who is a participant in a species survival plan  
 8-45 of the American Zoo and Aquarium Association for that species; and

8-46 (B) an integral part of that species survival  
 8-47 plan; and

8-48 (12) in a county west of the Pecos River that has a  
 8-49 population of less than 25,000, a cougar, bobcat, or coyote in the  
 8-50 possession, custody, or control of a person that has trapped the  
 8-51 cougar, bobcat, or coyote as part of a predator or depredation  
 8-52 control activity.

8-53 SECTION 32. The following laws are repealed:

8-54 (1) Section 61.901(c), Parks and Wildlife Code;

8-55 (2) Section 62.023(b), Parks and Wildlife Code;

8-56 (3) Section 65.007, Parks and Wildlife Code; and

8-57 (4) Section 71.004(b), Parks and Wildlife Code.

8-58 SECTION 33. The change in law made by this Act in adding  
 8-59 Section 12.308, Parks and Wildlife Code, applies only to a civil  
 8-60 suit under Subchapter D, Chapter 12, Parks and Wildlife Code, that  
 8-61 commences on or after the effective date of this Act. A civil suit  
 8-62 under Subchapter D, Chapter 12, Parks and Wildlife Code, that  
 8-63 commences before the effective date of this Act is governed by the  
 8-64 law in effect at the time the suit commenced, and that law is  
 8-65 continued in effect for that purpose.

8-66 SECTION 34. (a) The changes in law made by Section 12.409,  
 8-67 Parks and Wildlife Code, as amended by this Act, and the repeal of  
 8-68 Section 61.901(c), Parks and Wildlife Code, by this Act apply only  
 8-69 to an offense committed on or after the effective date of this Act.



9-1 An offense committed before the effective date of this Act is  
9-2 governed by the law in effect at the time the offense was committed,  
9-3 and the former law is continued in effect for that purpose. For  
9-4 purposes of this section, an offense was committed before the  
9-5 effective date of this Act if any element of the offense was  
9-6 committed before that date.

9-7 (b) The repeal of Section 65.007, Parks and Wildlife Code,  
9-8 by this Act applies only to a license issued on or after September  
9-9 1, 2006.

9-10 SECTION 35. This Act takes effect immediately if it  
9-11 receives a vote of two-thirds of all the members elected to each  
9-12 house, as provided by Section 39, Article III, Texas Constitution.  
9-13 If this Act does not receive the vote necessary for immediate  
9-14 effect, this Act takes effect September 1, 2005.

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