

By: Raymond

H.B. No. 2356

A BILL TO BE ENTITLED

AN ACT

relating to a person's taking of certain dangerous alligators.

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

SECTION 1. Section 42.002, Parks and Wildlife Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Except as provided by [~~Subsections (b) and (c) of~~] this section, no resident may hunt any bird or animal in this state without having acquired a hunting license.

(d) A resident may take an alligator without a license issued under this section or a resident alligator hunter's license if the resident reasonably believes that the alligator poses such an immediate danger to humans or domesticated animals that time does not allow waiting for a department employee to be dispatched to relocate the alligator.

SECTION 2. Section 42.005, Parks and Wildlife Code, is amended by amending Subsection (b) and adding Subsection (g) to read as follows:

(b) Except as provided by Subsections [~~Subsection~~] (f) and (g), no nonresident may hunt any bird or animal in this state without first having acquired a general nonresident hunting license, a nonresident special hunting license, or a nonresident five-day special hunting license.

(g) A nonresident may take an alligator without having a

1 hunting license issued by the department if the nonresident
2 reasonably believes that the alligator poses such an immediate
3 danger to humans or domesticated animals that time does not allow
4 waiting for a department employee to be dispatched to relocate the
5 alligator.

6 SECTION 3. Subchapter H, Chapter 43, Parks and Wildlife
7 Code, is amended by adding Section 43.159 to read as follows:

8 Sec. 43.159. DANGEROUS ALLIGATOR EXCEPTION. Nothing in
9 this subchapter prevents a person from taking an alligator without
10 having acquired a permit under this subchapter if the person
11 reasonably believes that the alligator poses such an immediate
12 danger to humans or domesticated animals that time does not allow
13 waiting for a department employee to be dispatched to relocate the
14 alligator.

15 SECTION 4. Section 65.005, Parks and Wildlife Code, is
16 amended to read as follows:

17 Sec. 65.005. POSSESSION. (a) Except as provided by
18 Subsection (b), no [No] person may take, sell, purchase, or possess
19 an alligator, an alligator egg, or any part of an alligator in this
20 state except as permitted by the regulations of the commission.

21 (b) A person may take an alligator in this state if the
22 person reasonably believes that the alligator poses such an
23 immediate danger to humans or domesticated animals that time does
24 not allow waiting for a department employee to be dispatched to
25 relocate the alligator.

26 SECTION 5. Section 65.006, Parks and Wildlife Code, is
27 amended by amending Subsection (a) and adding Subsection (c) to

1 read as follows:

2 (a) Except as provided by Subsection (c), no ~~[No]~~ person may
3 take, attempt to take, or possess an alligator in this state unless
4 the person has acquired and possesses an alligator hunter's
5 license.

6 (c) A person may take or attempt to take an alligator in this
7 state without acquiring and possessing an alligator hunter's
8 license if the person reasonably believes that the alligator poses
9 such an immediate danger to humans or domesticated animals that
10 time does not allow waiting for a department employee to be
11 dispatched to relocate the alligator.

12 SECTION 6. This Act takes effect September 1, 2005.