

By: Kuempel

H.B. No. 2555

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the humane dispatch of certain game animals and game
3 birds.

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

5 SECTION 1. Subchapter C, Chapter 61, Parks and Wildlife
6 Code, is amended by adding Section 61.060 to read as follows:

7 Sec. 61.060. DEFENSE TO PROSECUTION: HUMANE DISPATCH OF
8 CERTAIN GAME ANIMALS AND BIRDS. (a) In this section:

9 (1) "Dispatch" means to kill by any humane method.

10 (2) "Game animal" has the meaning assigned by Section
11 63.001.

12 (3) "Game bird" has the meaning assigned by Section
13 64.001.

14 (b) It is a defense to prosecution for a violation of this
15 chapter or of a regulation adopted or proclamation issued under the
16 authority of this chapter by the commission that the actor
17 dispatched a game animal or game bird that:

18 (1) was mortally wounded, not through the actor's
19 conduct; or

20 (2) behaved in a manner that:

21 (A) is inconsistent with the manner in which a
22 game animal or game bird that is not diseased typically behaves; and

23 (B) leads a reasonable person to believe that the
24 game animal or game bird poses a substantial risk of serious harm to

1 itself, a person, or other wildlife.

2 (c) The commission may adopt rules, including rules
3 concerning the disposition of a game animal or a game bird that has
4 been dispatched under this section, to implement this section.

5 SECTION 2. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2005.